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The TWO GREAT REPUBLICS ROME and the UNITED STATES

JAMES HAMILTON LEWIS

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To-

Dear Mother Douglas.

With Compliments of the

Author - her Son James -

Sent as a Memento of her

Eightieth birthday -

Washington D.C.

TWO GREAT REPUBLICS

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RUINS OF THE ROMAN FORUM

THE TWO GREAT REPUBLICS
ROME AND THE UNITED STATES

By

JAMES HAMILTON LEWIS

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PREFACE

IN THIS book I have proposed to compare conditions recorded in Roman history with those existing in America that should warn, by reason of the results at Rome. It is not the purpose of this volume to offer a mere textbook or a scholastic essay on historical events. It is not the purpose merely to record those events which led to the destruction of the Roman republic, and with this end our work. The main purpose of this book is to compare events as they transpired in the one republic and in the other.

The political history of the Roman republic is throughout its whole course a continuous contest between radicals and conservatives. The striking resemblances between the basis of the political controversies of Ancient Rome and the modern political and economic problems render it almost impossible for any historian to approach the political history of Rome entirely free from prejudice. The bias of the historian, whether toward the liberal or the conservative side in politics, is sure to affect to a greater or less degree the pictures which he paints of the events and actors in Roman history. To indicate to some extent these varying views, and to present to the reader some of the ideas of prominent writers on Roman history, a number of extracts from the works of other authors have been inserted, as occasion demanded, in this work. In the majority of cases such an insertion should be

understood as an attempt to present all sides of some controverted historical question rather than as indicating the approval by the author of the views expressed therein.

In arranging the perspective of this book, its main object has been kept constantly in mind. The importance of events has been weighed from the standpoint of their effect upon the decay and collapse of the free political institutions of Rome; with the result that many subjects, to which considerable space would be devoted in a general Roman history, have been passed over with a mere notice, while other events, perhaps of less popular interest, have been treated at length.

I would be false to the first sense of justice did I not here acknowledge the aid I have obtained from Professor Albert H. Putney, dean of the Webster College of Law, Chicago, and a lawyer of the state of Illinois at the city of Chicago (my home), who has been the principal contributor from whom I have received assistance, and much that can be found in this book in the nature of real historical data, and of the philosophy of reasoning from this data, is due to him, and I desire to acknowledge my indebtedness and to give full credit for the value of this work.

JAMES HAMILTON LEWIS

United States Senate Chamber, Washington, D. C.
September 1913.

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THE TWO GREAT REPUBLICS

ROME
AND
THE UNITED STATES

CHAPTER I

The Two Republics

"How like, how unlike, as we view them together."—*Holmes.*

IT IS now nearly two thousand years since the curtain fell upon the last act in the history of the Roman republic. During these twenty centuries many other republics have flourished and passed away, while, in turn, new republics have arisen to take the place of the earlier ones; but no other fallen republic in the whole course of history has attained to the same degree of importance, has possessed the same degree of interest, or has exerted the same influence on the history of the world, as did that of Rome. The five centuries of republican institutions on the banks of the Tiber still remain the

richest quarry to which the student or historian of republican governments is able to resort for his material.

"History," says Lord Macaulay, "is philosophy teaching by examples." The most practical value of the study of history arises from the aid which it can give us in understanding the present and in forecasting the future. Bolingbroke, on the "Uses of History," commands its study as a protection against the unexpected. The main purpose of any American, who to-day studies the history of the greatest republic of the ancient world, should be to discover whether or not the story of the rise and fall of that government teaches any lessons which might be of value to the American of to-day; whether the evils which were the causes of the overthrow of the Roman republic find any counterpart in the problems which agitate our own country.

One of the greatest of American orators, in urging Americans to draw their historical lessons from the history of their own country, says that "when we go back into ancient history, we are bewildered by the differences of manners and institutions"; but sometimes

it is with the earliest of nations that the most striking comparisons may be made, and from their history that the greatest lessons may be learned.

The truth is that the progress of mankind, during that small fragment of the period of its existence upon this earth which we are permitted to see by the light of history, has been very uneven in the extent of its advances along the different lines of human progress. In the fields of scientific discovery and of material results human achievements, especially during the past century, have reached almost into the realm of the marvelous; but in many other fields—those relating to human reason, to knowledge of the human mind, to the relation between man and man, and to the science of government—human progress has been so slight that man's efforts in these directions must still receive the verdict of failure.

The reason for this great discrepancy is perhaps not difficult to discover. It is easy for the mass of mankind to accept and receive the benefits which come to them from the struggles and mental efforts of the few intellectual giants whom the human race

from time to time produces; but all this takes place with very little change in the minds or emotions of the mass of humanity.

As, for example, the pages of Homer are studied, it is hard to say whether the strongest impression left upon the mind of the reader is that of the vast difference between the external life of that period and of the twentieth century, or that of the striking similarity between the qualities and emotions of the characters in these epics and of the men and women of to-day.

In the field of the material world any comparison between the existing conditions in the United States to-day and the conditions in any ancient country could hardly be of any particular value; except, perhaps, to indicate the great distance which has been traveled. In the field of government and politics, however, the most valuable comparison which it is possible to make with existing conditions in the United States is not with the present conditions in any modern country, nor is it with conditions of an earlier age in any Anglo-Saxon or even Teutonic country. The greatest resemblance to the existing conditions in the United States, both

as to the character of her politics and the nature of the problems which confront her, is to be found in the great Roman republic of two thousand years ago.

In studying the decline and fall of the Roman republic it will appear that this result was most directly brought about by the three following causes:

1. Long before the time when Rome had attained to the height of her power, great inequalities of wealth had arisen between the different strata of the Roman citizens; the prosperity which came to Rome as a result of her conquests was not distributed among her whole citizen body. Indeed, while the wealth of the community as a whole was rapidly increasing, the wealth of the great mass of the citizens was rapidly decreasing, not only relatively but even absolutely. The acute stage of the contest between the rich and the poor arose immediately after the conclusion of the long contest between patricians and plebeians, and at the time when, theoretically, all political distinctions and privileges between citizens had disappeared. Yet, in fact, the suffrage was then limited to the free citizen—the smallest

class of the humble or toiling numbers.

2. The influence of a large and constantly increasing class of demagogues, possessed of knowledge of human nature and endowed with skill in the management of men, yet entirely lacking in principle, patriotism, or any sense of public obligation. These wrought upon a mob of unqualified and reckless voters, who had nothing to lose and were more anxious for immediate personal benefit than for the gradual but permanent amelioration of the hardships of the class to which they belonged.

3. The absence of any system of representative organization in the Roman government.

The first two of these evils are to be found in the American republic of to-day as well as in the Roman republic of the past; the last of the three was a disadvantage suffered by Rome but outgrown by the modern republics. This last evil will be treated by itself in the succeeding chapter, while the two former will be shown in the remainder of the volume as the political history of Rome is outlined.

CHAPTER II

Roman Legislative Assemblies

IN ONE important respect in the management of their political affairs, the citizens of the Roman republic occupied a most disadvantageous position in comparison with the citizens of any modern republic. The greatest defect in the political organization of Rome, as of all other ancient republics, lay in the utter absence of representative legislative assemblies. The want of such institutions, in the absence of all the other causes of disruption, might of itself have been sufficient to have caused the downfall of the Roman republic.

The invention and development of such representative assemblies has been the greatest contribution which the Anglo-Saxon race has made to the political progress of the world. It is largely the existence of such bodies which renders practical the continued existence of modern republics, with jurisdiction over extended areas.

The Roman legislative bodies were, throughout the whole period of Roman history,

popular assemblies,—bodies of a character well adapted for the government of the community when Rome was a mere city-republic on the Tiber, but entirely inadequate to meet existing conditions when the Roman territories had been extended far beyond the confines of Latium and even beyond the shores of the Italian peninsula.

The system of Roman popular assemblies was so complicated, and these assemblies were so closely connected with every phase and every important epoch in Roman political history, that it seems advisable to stop at the outset and give a brief description of each of these assemblies; of the manner in which they were constituted; of their origin; and of the scope of their respective powers.

The oldest of these popular assemblies was the *comitia curiata*, which for a considerable period was the only body in Rome with the power to enact laws. This assembly was based upon the original division of the people into *gentes* and *curiæ*, and was throughout its history a distinctively patrician body. The force of the contest for a share in political power, waged by the plebeians, took in the main the direction of

stripping the comitia curiata of its power instead of securing for the plebeians the right of membership in this assembly.

After the creation of the *comitia centuriata* the powers of the older comitia rapidly declined, and were in the main limited to the control of certain portions of the state religion; particularly those religious formalities connected with elections, legislation, or the investure of military leaders with the *imperium*. At a still later time, the comitia curiata ceased to meet at all, and was merely considered as being represented by the lictors.

The two important assemblies of the people during the period of the history of the Roman republic were the comitia centuriata and the *comitia tributa*. The comitia centuriata came into existence during the period which lies on the border line between mythology and history. In the legendary history of the Roman kingdom the creation of this assembly is given as one of the reforms of Servius Tullius. However this may be, it was undoubtedly in existence (although not in the exact form which it later acquired) as early as the sixth century before Christ.

This assembly was reorganized some time before the Punic Wars. In its final form the tribal division was taken as the primary division of the people; each tribe was divided into five classes, according to the wealth of the citizens, and each class into two centuries, one century in each class consisting of *seniores*, or men above forty-five years of age, and one consisting of *juniores*, or men between the ages of eighteen and forty-five. The ten centuries from each of the tribes made a total of three hundred fifty centuries, to whom were added eighteen centuries of knights, making a total of three hundred sixty-eight centuries. Every question submitted to the comitia centuriata was decided by the vote of a majority of centuries. Although all freemen had the right to vote in this assembly, the power of the richer classes was disproportionately great. This was secured by assigning to the five classes, into which each tribe was divided, a very disproportionate number of citizens. The first class, to which only the richest citizens were admitted, was very small in size, while the fifth (and lowest) class was probably more numerous than the other four classes combined.

The comitia centuriata was originally an assembly of the Roman citizens in the form of an army, and the divisions into classes was based upon the kind of equipment with which each soldier was able to provide himself. The eighteen centuries of knights represented the cavalry of the army. These centuries of knights possessed the right of having their votes taken first, which constituted another advantage for the wealthy classes. In 241 B.C. the knights were deprived of their right of voting first, but this privilege was given to the centuries of the first rank, assigned by lot.

The comitia tributa, or assembly of the tribes, first met in 489 B.C., it being convened by the Senate at that time to sit in judgment upon a patrician, Coriolanus, the responsibility for whose fate the Senate desired to throw upon the plebeians. This assembly was originally a strictly plebeian body, and its original authority was limited to the administration of the business of the plebeian order. The class character of the comitia tributa is indicated by its original name —*concilium tributum plebis*, the word *concilium* indicating a conference of a certain

part of the people rather than a legislative assembly of the whole people.

It would be hard to say whether it was the increased power of the tribunes which developed the authority of the comitia tributa, or whether it was the increased power of the comitia tributa which first gave to the tribunes the vast power which they were ultimately able to exercise in Rome. However this may be, the fact is evident that the power of the comitia tributa and of the tribunes rose together. At a later date, membership in the comitia tributa was not limited to the plebeians, but the influence of the patricians in this assembly was always inconsiderable and they generally absented themselves from its meetings. Although the wealthy classes had no predominating influence in the comitia tributa, its decision upon any question was far from being, necessarily, the decision of the majority. Measures submitted to the comitia tributa were carried or defeated by the vote of the majority of the tribes, and the numbers enrolled in each tribe were very unequal, all the inhabitants of the city of Rome being enrolled into four tribes, and a very disproportionate

power being thus given to the rural voters.

The meetings of the comitia tributa were generally presided over by a tribune, although sometimes by one of the consuls. At first the laws passed by the comitia tributa were required to be confirmed by a vote of the comitia centuriata, but this requirement was abolished in 339 B.C. by the Publilian and Horatian laws. The provisions of these laws were reaffirmed by the Hortensian laws in 286 B.C.; and it is certain that at least from this date the full validity of a law passed by the comitia tributa was never questioned.

In the comitia centuriata and the comitia tributa we see the anomalous condition of two independent law-making assemblies; and as there was no division between them of the field of legislation, it is hard to see how, even with the controlling influence of the Senate, conflicts between the two were so generally avoided. So completely were the two comitiæ on an equality as to the validity of the laws enacted by each that the records generally fail to show by which assembly any particular law was passed, but this can generally be ascertained by looking at the name of the proposer of the law. If a tribune appears as

the proposer of the law it was passed by the comitia tributa; but if the proposer was a consul, prætor, or dictator, the law was the work of the comitia centuriata.

The powers of the two comitiæ as to the election of officers were differentiated. The comitia centuriata, at all stages in the history of the Roman republic, possessed the right of electing the highest officers of the republic —the consuls, prætors, and censors. The comitia tributa originally possessed the right of electing only the tribunes and the plebeian ædiles; at a later period they elected also the curule ædiles, the quæstors, the majority of the legionary tribunes, and all the inferior officers of state. The comitia tributa, in the later days of the republic, secured an indirect control over the election of the higher officers also, since the adoption of the legal principle that all Romans who sought the highest honors of the state must pass through a regular gradation of offices rendered it necessary for the comitia centuriata to choose as consuls and prætors men who had previously been chosen by the comitia tributa as quæstors and ædiles. It must be remembered, however, that the law relative to the order

in which the various offices must be held was of a directory rather than a mandatory character; while in the main obeyed, it was, nevertheless, frequently violated.

The various public offices here referred to will be discussed in the later chapters as each office first comes into existence in Roman history. It remains at this time to speak of the organization, powers, and authority of the Roman Senate, particularly as to its control over the work of the popular assemblies.

The extent of the power of the Senate over legislation varied greatly in different periods of Roman history, and these differences were caused more by the existing political conditions, and by the relative strength of the aristocratic and popular parties in Rome, than by any express changes by legislation.

At the very outset of Roman history we see the Senate existing as an aristocratic body, embodying in itself both the oligarchical principles upon which the Roman government was based, and also the patriarchal basis upon which the Roman family organization and later the organization of the Roman state itself had been built.

Originally, each of the three Roman tribes was divided into ten gentes, each gens into ten curiæ, and each curia, besides constituting one of the units in the comitia curiata, furnished one member of the Roman Senate. The Senate continued after the organization by curiæ had become obsolete. Membership in the Senate was at all periods for life, but did not descend from father to son. Vacancies in the Senate were filled by appointment, these appointments being made first by the kings, later by the consuls, and finally by the censors. As the censors were chosen only once in five years, vacancies in the Senate were filled only at such intervals. The aristocratic party in Rome, by keeping control of the office of censor, was able to perpetuate their majority in the Senate. In filling such vacancies, preference was given to those who had held some of the higher offices during the preceding five-year-period. Many members of the Senate had held the office of consul; many more hoped to hold it in the future. All members of the Senate, with few exceptions, had held some civic office, and were men of property and of mature age.

All the dignity of Rome and of the Roman government centered in the Roman Senate. The minister of Pyrrhus described this body as "an assembly of kings," and it might well have aroused the surprise and admiration of a foreign ambassador, as nowhere else in the world at that time was it possible to find such an assembly, either from the standpoint of the character of the body itself or of the qualifications of its members.

At an early period no law could be presented before the comitia centuriata or the comitia tributa without having been previously approved by the Senate, and after the passage of the act, either by the comitia centuriata or the comitia tributa, it must be promulgated by the Senate before it went into effect. The Senate, therefore, was never possessed of a direct general power of legislation, but had in the fullest degree both the power of initiating legislation and of vetoing it. At a later period the control of the Senate over legislation became theoretically less, but practically greater.

By the Publilian Law (339 B.C.) the control of the Senate over the comitia centuriata was reduced to a mere formality. By this

time, however, the officers of the state, the tribunes as well as the consuls, had fallen completely under the control of the Senate, while the comitia tributa, in turn, fell more and more under the control of the consuls and tribunes respectively. During the latter period of the republic the Senate practically legislated, and gave the bill to one of the tribunes (the tribunes were at this time far more completely under the control of the Senate than were the consuls) to secure the mere formality of its passage by the comitia tributa.

The management of foreign affairs was at all times exclusively in the hands of the Senate, except that the question of declaring war or concluding peace must be submitted to the vote of the people in one of the popular assemblies. The Senate also regulated the religious affairs of the Roman state (after this power fell from the hands of the comitia curiata); assigned consuls and prætors their provinces of administration and command; fixed the amount of troops to be raised both from the Roman citizens and from the Italian allies; sent and received ambassadors; controlled the calendar, adding to or taking away

from a year so as to lengthen the term of a favorite official or to shorten the term of an unpopular one; decreed or refused triumphs to Roman generals, and possessed a general control over the financial affairs of the state.

CHAPTER III

The First Great Melting Pot

THE variety of things which are able to serve as a basis for human vanity are almost unlimited. This holds true as well in the case of national vanity as in the case of the vanity of the individual. The most backward and least attractive of human races generally consider themselves superior to the rest of mankind, and too often on account of the peculiarities which, in the minds of others, are the most convincing proofs of their inferiority. Even among the more advanced races of mankind great pride is often manifested in attributes which, properly viewed, are rather a disgrace, or at least a detriment to the race.

Few things in the world are held in greater respect, by the great masses of men, than a long line of ancestry of unmixed blood. It seems to be generally felt that the purity of any race, that is, its freedom from interbreeding with outsiders, is a matter of credit. The lesson of history, however, shows that purity of blood in any nation is an

evidence of, or perhaps rather cause of, degeneracy and decay, and that the great nations of history have been the cosmopolitan races, the races of mixed descent and hybrid ancestry. If it be thought that the Jewish people are an exception to this, let it be recalled that the Jews are a mixed people, originally of many conflicting tribes, and later continually mixed with other races.

In the pages of ancient history Rome stands out as the first great cosmopolitan race, or at least the first mixed race, in the creation of which we are able to watch the melting pot in full operation.

Three thousand years ago the Italian peninsula presented a veritable medley of races. In the south and along the eastern coast were found the cities and colonies founded by the two streams of immigration from the neighboring peninsula across the Adriatic—the Pelasgian and the Greek. In the center of Italy were to be found the various branches of the Oscan, Umbrian, and Sabellian races. Farther to the north was the country of the Latins. Etruscans and Gauls dwelt between Latium and the Alps. It was only at a much later time that Cisalpine Gaul began to be considered a part of Italy.

In its earliest days Rome, while possessing many features in common with the other Italian cities, presented at the same time many differences.

"The unfavorable character of the site renders it hard to understand how the city could so early attain its prominent position in Latium. The soil is unfavorable to the growth of fig or vine, and in addition to the want of good water-springs, swamps are caused by the frequent inundations of the Tiber. Moreover, it was confined in all land directions by powerful cities. But all these disadvantages were more than compensated by the unfettered command it had of both banks of the Tiber down to the mouth of the river. The fact that the clan of the Romilii was settled on the right bank from time immemorial, and that there lay the grove of the creative goddess Dea Dia, and the primitive seat of the Arval festival and Arval brotherhood, proves that the original territory of Rome comprehended Janiculum and Ostia, which afterwards fell into the hands of the Etruscans. Not only did this position on both banks of the Tiber place in Rome's hands all the traffic of Latium, but, as the Tiber was the natural barrier against northern invaders, Rome became the maritime frontier fortress of Latium. Again, the situation acted in two ways: Firstly, it brought Rome into commercial relations with the outer world, cemented her alliance with Cære, and taught her the importance of building bridges. Secondly, it caused the Roman canton to become united in the city itself far earlier than was the case with other Latin

communities. And thus, though Latium was a strictly agricultural country, Rome was a center of commerce; and this commercial position stamped its peculiar mark on the Roman character, distinguishing them from the rest of the Latins and Italians, as the citizen is distinguished from the rustic. Not, indeed, that the Roman neglected his farm, or ceased to regard it as his home; but the unwholesome air of the Campagna tended to make him withdraw to the more healthful city hills; and from early times by the side of the Roman farmer arose a non-agricultural population, composed partly of foreigners and partly of natives, which tended to develop urban life." (Mommsen's *History of Rome.*)

It was, therefore, as a cosmopolitan, commercial city that the Romans first came into prominence. The early population was composed of mixed Etruscan and Latin stock, to which representatives of every Italian tribe and of the Greeks were soon added. By the beginning of the truly historical times the Romans had become merged into one race, representing the combined product of the races of Italy. It was this fact, very largely, which contributed to her success over the purer (ethnologically) races which surrounded her.

There were two great divisions of the melting-pot process at Rome; the first, that

existing during the days of the kingdom and of the early republic; the second, that of the later republic and the empire. During the first period the process of intermixture, as has been said, was between the different races of Italy; within the second period Rome became the center of the civilized world, and her population included representatives of all the known races of mankind.

In no other despotism in the history of the world is there to be found so little racial or class distinction as in the Roman empire. Such distinctions were never able to exist at Rome during any portion of her history. The permanent privileged classes were those possessed of wealth, or of military power, and the descendants of both the conquerors and the conquered of one epoch would be found in the next indiscriminately divided among the exploiters and the exploited of the times.

The patricians, the descendants of the early settlers of Rome, were unable to maintain their special caste privileges, and were compelled to admit the plebeians to equal political rights and privileges. Class distinction remained in as marked a degree as

ever at Rome, but the distinction was now between rich and poor, and the rich plebeian took equal rank with the rich patrician. Nor were the united Roman orders strong enough to preserve a monopoly of political privileges for Romans when the territory of Rome was extended over the Italian peninsula. It was found necessary to extend the franchise first to the residents of Latium and later to those of the other portions of Italy.

More remarkable still were the conditions which we find after the establishment of the empire and the extension of Roman territory around the shores of the Mediterranean Sea. There were no royal house, no hereditary nobility, and few special privileges left for the inhabitants of Rome. The distinctions between rich and poor were never more galling; *but* high birth conferred no great advantage, and the lowest born could rise to the highest posts of honor. The ponderous weight of the empire ground out racial and caste distinctions and welded together all the heterogeneous mass. The provinces became Romanized, and the population of Rome became a mixture of all the races of the provinces. Of how little importance Rome

was to the later empire is shown by the removal of the seat of the empire by Constantine to Constantinople, and the continued existence of an empire calling itself Roman for more than a thousand years after Rome had ceased to constitute a part of such empire.

CHAPTER IV

The Early Republic

THE first epoch of the Roman republic is that extending from the overthrow of the kings, about 509 B.C., to the passage of the Licinian Laws in 367 B.C. The history of this century and a half at Rome is primarily the history of internal strife and class antagonisms. During these early days the progress made by the republic toward the expansion of its territories or the extension of its foreign influence was inappreciable.

Rome, during these days, was contending on a position of near equality with the neighboring cities of Latium and Etruria. Twice during this period the independence, perhaps the very existence, of the city was seriously threatened.

The war against the Etruscans, which followed immediately upon the expulsion of the last of the Tarquin kings, resulted so unfavorably to Rome that not only was her territory considerably reduced in size but even the subjugation of Rome itself might

probably have been accomplished but for the forbearance of her victorious opponents.

Later, in 390 B.C., the capture and sack of Rome by the Gauls nearly proved the death-blow of the Roman republic. The internal dissensions of this period were mainly responsible for the lack of military success. Although it is true that the history of early Rome, unlike the histories of the various early Grecian states, records few instances where hatred or bitterness arising from political defeat induced a citizen to turn traitor to his country, and although the approach of a foreign foe was generally sufficient to bring about a truce in Roman political hostilities and the union of all factions in the city against the common national enemy, still it must be remembered that the amount of energy possessed by a community is limited. When the all-absorbing questions agitating a people are those relative to internal political contests, the energies of the ablest men of each generation are spent mainly in political contests instead of being exerted for the common welfare of the community.

The influence which the internal dissensions

at Rome must have exerted on her military success is shown by a comparison of the military history of the Roman republic prior to 367 B.C. with the wonderful career of conquest which the Roman republic entered into immediately after the passage of the Licinian Act. This act, although producing a partial and temporary cessation of class contests at Rome, nevertheless sufficiently healed the internal wounds of the state to enable it to rapidly advance from a city-republic to a world power.

"The results of this great change were singularly happy and glorious. Two centuries of prosperity, harmony, and victory followed the reconciliation of the orders. Men who remembered Rome engaged in waging petty wars almost within sight of the Capitol lived to see her the mistress of Italy. While the disabilities of the plebeians continued, she was scarcely able to maintain her ground against the Volscians and Hernicans. When those disabilities were removed, she rapidly became more than a match for Carthage and Macedon." (Macaulay.)

The republic created at Rome in the course of the sixth century before Christ was distinctively an undemocratic republic. The benefits to the plebeians resulting from the overthrow of the kingdom were of slight,

if any importance. The political power of the state remained almost entirely in the hands of the patricians, and the right to hold office was restricted to the members of this caste. At this time the members of the patrician order were perhaps not very much inferior in numbers to the plebeian order; but the discrepancy between the numbers of the two orders so rapidly increased that by the beginning of the fourth century before Christ the government of Rome had become practically that of an oligarchy.

In the latter days of the republic, in the contest which resulted in the overthrow of the republic, the basic reasons for the struggle were of an economic rather than a political character. In the period now under discussion the political element predominated in the class contests, although various elements of disagreement were to be found existing side by side.

"Three distinct movements agitated the community. The first proceeded from the body of full citizens, and was confined to it; its object was to limit and lessen the life-power of the single president or king; in all such movements at Rome, from the time of the Tarquins to that of the Gracchi, there was no attempt to assert the rights of the individual at the expense of

the state, nor to limit the power of the state, but only that of its magistrates. The second was the demand for equality of political privileges, and was the cause of bitter struggles between the full burgesses and those, whether plebeians, freedmen, Latins, or Italians, who keenly resented their political inequality. The third movement was an equally prolific source of trouble in Roman history; it arose from the embittered relations between landholders and those who had either lost possession of their farms, or, as was the case with many small farmers, held possession at the mercy of the capitalist or landlord. These three movements must be clearly grasped, as upon them hinges the internal history of Rome. Although often intertwined and confused with one another, they were, nevertheless, essentially and fundamentally distinct. The natural outcome of the first was the abolition of the monarchy — a result which we find everywhere, alike in Greek and Italian states, and which seems to have been a certain evolution of the form of constitution peculiar to both peoples." (Mommsen.)

The overthrow of the monarchy was accomplished quickly and effectively. Unlike the case in most countries, the monarchy once overthrown, there was no attempt for nearly five centuries to reëstablish it. The word "king" was regarded with such hatred that the mere accusation made against any public leader that he was seeking to make himself

king was generally sufficient to utterly destroy his influence, even when such charges were unfounded and unsupported by evidence.

The men who established the new form of government created after the expulsion of Tarquinius adopted the theory of political checks and balances which we afterwards find exerting such a strong influence upon the framers of our American Constitution. It was necessary that at least a part of the powers formerly exercised by the king should be intrusted to some official under the new régime. The greatest efforts, however, were made to render it impossible for any Roman official to use the governmental powers granted him in such a manner as to secure for himself the kingly office. The mere provision that the highest official in the government should be elected, rather than succeed to the office by right of descent, was rightly judged to be by itself an insufficient protection against the seizure of supreme power by some Roman tyrant.

A stronger safeguard was found in the division of the highest power in the state between two officials, who later came to be known as consuls. (The officers afterwards

known as consuls were for a considerable period known as prætors; after the term consul came into use the name prætor at a still later period was given to the possessor of a new office created shortly after the passage of the Licinian Act.) The kingly power, or that part of it not absolutely abolished or given to the religious officials, was vested jointly in the two consuls, each possessing the full right to exercise all the functions of the office. Under this division of power each consul was considered a most effective check upon any ambition for a crown which might be possessed by the other.

Another safeguard, a safeguard which unfortunately has recently been too much disregarded in the United States, consisted in the short term of office prescribed by the new law, the consuls and other Roman officials being elected for a term of one year only.

While, as has been said, the consuls retained in general all the former powers of the king, still in some respects these powers were curtailed:

1. By the Valerian Law of 509 B.C. each person condemned by the consul to capital or corporal punishment was entitled to an

appeal as a matter of right. It had previously been optional with the king whether to grant an appeal.

2. The consuls never possessed the various pecuniary rights of the kings, such as that of having the fields cultivated by the citizens.

3. The quæstors, who had previously been appointed or not by the king himself, as he saw fit, now became regular state officials.

4. The religious duties and powers of the king did not pass to the consul. The highest religious officer of the state, the *pontifex maximus*, was from this time on elected by the Pontifical College. The various colleges of priests (all of whom had formerly been appointed by the king) now filled up vacancies in their own numbers. Other religious officers were appointed by the pontifex maximus. On account of the close connection between the Roman religion and the Roman government, the pontifex maximus became a strong political power in the city. By the power of this officer and his associates to hold the auspices and regulate the calendar, they were enabled to prevent or permit the holding of the public assemblies, extend or decrease the term of office of public officials,

and exercise a greater or less influence on almost every public question or proceeding.

5. The insignia and marks of dignity permitted to the consul were of a less imposing character than those previously granted to the king. While the king had been accompanied by twenty-four lictors, the consul was permitted only twelve, and the axes were taken away. While the king had worn the purple robe, the consul wore merely the ordinary Roman toga with a purple border. The royal chariot of the king did not descend to the consul, who was obliged to travel on foot within the limits of the city.

6. There had been no provision in the Roman law for any redress for a wrong done by the king, but the consul, upon the termination of his year of office, stepped down at once into the mass of the citizens and could at any time be punished for any malfeasance during his official life.

7. An indirect restriction of the powers of the consuls arose from the increased dignity and authority of the Senate. The change in this respect, however, was practical rather than theoretical. According to the strict form of the law the Senate still bore

the same relation to the consuls that they had previously borne to the king. The Senate was still nothing more than an advisory body, and all vacancies among the senators were filled by appointments made by the consuls. The increased importance of the Senate arose out of the advantage which an official holding office for life always possesses over a superior officer holding office for only a brief term. In the present day it frequently happens that a political appointee at the head of a department or bureau, with the workings of which he is not familiar, finds himself compelled to rely almost implicitly upon some subordinate official whose working life has been spent in that office.

The short term of a consul and the life term of the members of the Senate thus tended to secure to this body an ever increasing influence. It was seldom that any serious conflict arose between the consul and the Senate. The consuls were men who were already senators or who expected to become such, while of the senators, many had held the office of consul and many more hoped to hold it in the future.

This curtailment of the kingly power and

the division of the powers which remained between two consuls of equal rank, while it secured the protection of the citizens from the danger of a new monarchy, strongly hindered vigor and unity of action in the prosecution of any enterprise. There were times, therefore, during the succeeding centuries in the life of Rome, when to meet temporary emergencies a stronger and undivided rule was necessary. To meet this need a new official was created—the dictator—who might be nominated by one of the consuls upon the authorization of the Senate and who, during the term of his office, which could not exceed six months, possessed and exercised almost absolute authority at Rome, and superseded all the other officials in their duties.

The original intention was that such an official should be appointed only in cases of military necessity, but later this office was frequently created to aid the patricians in their contests with the plebeians. Only the patricians were eligible for any of the newly created offices. The Senate was composed exclusively of this order, and it has already been explained, in Chapter II, how, through

the expedient of putting more Roman citizens in some centuries than in the others, the patricians were able to control the vote of the majority of the centuries in the comitia centuriata.

It is thus apparent that the mere overthrow of the kings at Rome had accomplished little for the ordinary Roman citizen. In fact, the rule of a single monarch is often more beneficial to the poorer classes of a community than the rule of a favored class. The establishment of a republic, however, had eliminated one political element, and cleared the stage for the contest between the patricians and plebeians.

That the economic condition of the poorer classes in Rome changed for the worse after the institution of the republic is certain. It was for the interest of the early Roman kings to favor and protect the small Roman farmers, both for military and economic reasons. While the permanent interests of the patricians would have been promoted by the encouragement of this class, their temporary selfish interests called for the destruction of the Roman middle class, primarily the middle agricultural class, and the division

of all Roman inhabitants into a small aristocracy on the one hand and a large proletariat on the other.

The two forms of exactions which fell the heaviest upon the Roman poorer classes were the barbarous laws against debtors and the dishonest administration of the public leaders. The desperate condition of the debtors at Rome at this time was a result of a number of different causes, including the high rate of interest, the right of the creditor to sell the debtor into slavery if the debt were not paid, the policy of the patrician creditors to demand the last pound of flesh in all their transactions, and the conditions which existed in Rome at this time which compelled many small landowners, against their wish and without any fault of their own, to become borrowers of money.

One harsh feature of this condition was the fact that it was the military service, which as Roman citizens they were compelled to render to the state, that more often than any other cause compelled the plebeians to borrow money and thus ultimately drove them to their ruin. For example, a small Roman farmer, through absence from his

home on military service for the state, might lose his crop for the year. To support himself and his family until the next harvest, and to supply the means for the planting of the next year's crop, he would be obliged to borrow money, which, under the exorbitant rates of interest, soon reached an amount out of proportion to the original loan. Perhaps a second campaign would deprive him of the means of returning the loan, and his lands would be taken from him and he himself sold into slavery. As a final blow, the unfortunate plebeian saw the lands which had been won for the state by armies composed of his fellow plebeians reserved entirely for the use of the favored patrician order.

No more pernicious and unfair system could have been evolved than that which governed the management of the Roman public lands in the very first years of the republic. The earlier policy, under the kings, had been to divide the public land of the state into small allotments and to distribute it among those citizens of the state who most needed it. With the republic this policy ceased, and the public lands were nominally retained in the public ownership, but in

reality were let out on leases to the patricians and a few favored men among the plebeians.

In theory the state retained the right to take back the land at any time and to receive a rent from the lessee; but in practice both these rights were disregarded. The lands held in this manner by the patricians were soon considered by them as much their own property as those to which they held the legal title, and were devised and pledged by their owners in substantially the same manner as any other land. The collection of the rent was soon abandoned; and not only this, but the land being in theory state land, the lessee (who was supposed to, but did not, pay rent) was not liable to pay taxes on this land.

The final working out of this matter may be summed up by saying that the poorer class of the plebeians furnished most of the soldiers for the campaign, stood most of the expense, suffered nearly all the losses both of life and property, were excluded from any share in the land captured in the war, and as a culmination saw their taxes yearly increased on account of the fact that the patricians, who monopolized the public land, succeeded in

dodging the payment of rent and in evading the payment of taxes.

It was these conditions which brought about the remarkable spectacle of what may be well designated the first recorded strike in history—a strike in the Roman army. In 495 B.C. the Roman citizens were summoned to take the field for another military campaign. They refused to obey. One of the consuls, Publius Servilius, however, induced them to make the campaign by suspending some of the laws bearing most heavily upon the poor and by releasing all persons in prison for debt. But hardly had the army returned from a victorious campaign than the other consul, Appius Claudius, as a reward for their victory began to enforce the debtor laws with extraordinary severity.

Once more, in the following year, the plebeians were induced to take the field, mainly on account of the popularity of the dictator appointed for the management of this campaign, Marius Valerius, and his promise that upon the termination of the campaign permanent reforms would be made in the law. Again the Roman army was victorious, and again the patricians broke faith

with the plebeians and refused to carry out their promised reforms.

The next scene in this conflict is one almost without parallel, either in ancient or modern history. The plebeians, disgusted by the selfishness and perfidy of the patricians, determined to abandon Rome to the patrician order and to found a new city for themselves upon the "Sacred Mount," a hill situated between the Tiber and the Anio. The patricians, thunderstruck by this unexpected movement, and being far more in need of the plebeians than the plebeians were of them, immediately made sufficient concessions to the plebeians to induce them to return to Rome.

Some of the concessions made at this time related to temporary provisions for relief of debtors; but the great innovation was that which established the office of tribune. The character of the office of tribune is absolutely unique in the political history of the world. The tribunes, elected by the people in the comitia tributa, were plebeian officers who were at first without any constructive part in the carrying on of the Roman government and whose sole duty at the outset

was to protect the members of the plebeian order from the oppression of the patrician officials. This protection was exercised mainly through the use of the veto power given to the tribunes. Under this power the tribunes had the right at any time to put a stop to any act either by any of the public assemblies, by the Senate, or by any of the magistrates. It was a power which, if exercised to its fullest extent, could put a stop to the very carrying on of the government.

It speaks much for the moderation of the Roman tribunes that through all the centuries of the Roman republic little serious inconvenience was experienced from the use of this power. With few and unimportant exceptions, it was exercised only in cases where the welfare of the plebeians as a class, or of some particular plebeian, demanded it.

The creation of the office of tribune was merely one more example of that system of checks and balances which played so prominent a part in the framing of the government after the expulsion of the king—a system of checks and balances so strikingly resembling that in our Federal Constitution. The tribunes were introduced as a protection for

the plebeians and an additional restraint upon the magistrates.

While at first the power and duties of the tribunes were entirely of a negative nature, they gradually acquired an authority of a positive character. The tribunes generally presided over the comitia tributa and took the lead in securing the passage of laws by that body. In addition they acquired judicial powers, and in cases where a plebeian had been wronged they could summon any citizen, even the consuls, before them, and might impose even the death penalty. The persons of the tribunes were declared inviolable, and any one who attacked them was thought to be accursed. The number of the tribunes was at first two, but was later increased to five and still later to ten.

The second great victory won by the plebeians was in the passage of the Publilian Law in 471 B.C. This law was proposed by the tribune Valerius Publilius, and was brought about by the murder of the tribune Gnæus Genucius. The main object of this law was the protection of the plebeian assembly and the plebeian officers, but its exact details are unknown. It is believed by some

that the comitia tributa really came into existence with this law, and that previously the plebeians had voted by curies. The law limited to plebeian freeholders the right to vote in a plebeian assembly, and excluded nearly all the freedmen and clients who were under the influence of the patricians as well as the patricians themselves. It is possible also that the increase in the number of the tribunes from two to five was made by this law. In 462 B.C. an unsuccessful attempt was made to abolish the office of tribune; in 457 B.C. came the increase from five tribunes to ten.

From 451 to 450 B.C. the regular system of government at Rome was interrupted by the election and rule of the *decemvirs*. The episode of these decemvirs has an important place in Roman history; but (as is the case with all events in Roman history in the fifth century before Christ) our knowledge of these men, of their work, and of their overthrow is very uncertain. The election of these officials was primarily brought about by the recognized necessity for a reform and codification of the Roman laws. If the duties of these men had been limited to the preparation of such code, its character and position would

not have been unsimilar to that of numerous other bodies of men appointed for a similar purpose in many countries and in all ages. But the peculiarity about the work of the decemvirs lies in the fact that upon their appointment all the ordinary Roman offices were discontinued and the entire judicial and executive administration of the state passed into the hands of the decemvirs.

During their first year of office the decemvirs drew up ten tables of laws, so called because the laws were engraved upon tables of copper and stood up in the Forum on the rostra in front of the Senate house.

According to the legends (for the Roman historical records of this century are little more than such), it had originally been intended to intrust the decemvirs with power only for a single year, but their work being incomplete at the expiration of the first year, they were chosen for a second year. It is uncertain whether the decemvirs for the second year were exactly the same men as those for the first year. According to some reports some of the decemvirs of the second year were plebeians, while none of those originally elected belonged to that order.

During their second year of office the decemvirs prepared two more tables of laws, and these, with the ten tables prepared during the preceding year, constituted the famous "Law of the Twelve Tables," the first Roman code of which we have any knowledge. Only fragmentary extracts from these tables have come down to us, but these fragments furnish us with such an insight into early Roman laws, institutions, and customs that they are here inserted:

THE TWELVE TABLES

Table I

THE SUMMONS BEFORE THE MAGISTRATE

1. If the plaintiff summon a man to appear before the magistrate and he refuse to go, the plaintiff shall first call witnesses and arrest him.

2. If the defendant attempt evasion or flight, the plaintiff shall take him by force.

3. If the defendant be prevented by illness or old age, let him who summons him before the magistrate furnish a beast of burden, but he need not send a covered carriage for him unless he choose.

4. For a wealthy defendant only a wealthy man may go bail; any one who chooses may go bail for a poor citizen of the lowest class.

5. In case the contestants come to an agreement, the magistrate shall announce the fact.

6. In case they come to no agreement, they shall before noon enter the case in the comitium or forum.

7. To the party present in the afternoon the magistrate shall award the suit.

9. Sunset shall terminate the proceedings.

10. . . . sureties and sub-sureties . . .

Table II

JUDICIAL PROCEDURE

2. A serious illness or a legal appointment with an alien . . . should one of these occur to the judge, arbiter, or either party to the suit, the appointed trial must be postponed.

3. If the witnesses of either party fail to appear, that party shall go and serve a verbal notice at his door on three days.

Table III

EXECUTION FOLLOWING CONFESSION OR JUDGMENT

1. A debtor, either by confession or judgment, shall have thirty days' grace.

2. At the expiration of this period the plaintiff shall serve a formal summons upon the defendant, and bring him before the magistrate.

3. If the debt be not paid, or if no one become surety, the plaintiff shall lead him away, and bind him with shackles and fetters of not less than fifteen pounds' weight, and heavier at his discretion.

4. If the debtor wish, he may live at his own expense; if not, he in whose custody he may be shall furnish him a pound of meal a day, more at his discretion.

6. On the third market day the creditors, if there are several, shall divide the property. If one take more or less, no guilt shall attach to him.

Table IV

PATERNAL RIGHTS

3. If a father shall thrice sell his son, the son shall be free from the paternal authority.

Table V

INHERITANCE AND TUTELAGE

3. What has been appointed in regard to the property or tutelage shall be binding in law.

4. If a man die intestate, having no natural heirs, his property shall pass to the nearest agnate.

5. If there be no agnate, the gentiles shall succeed.

7. . . . if one be hopelessly insane, his agnates and gentiles shall have authority over him and his property . . . in case there be none to take charge . . .

8. . . . from that estate . . . into that estate.

Table VI

OWNERSHIP AND POSSESSION

1. Whenever a party shall negotiate a nexum or transfer by mancipatio, according to the formal statement so let the law be.

5. Whoever in presence of the magistrates shall join issue by manuum consertio . . .

7. A beam built into a house or vine trellis shall not be removed.

9. When the vines have been pruned, until the grapes are removed . . .

Table VII

LAW CONCERNING REAL PROPERTY

5. If parties get into dispute about boundaries . . .

7. They shall pave the way. If they do not pave the way with stones a man may drive where he pleases.

8. If water from rain gutters cause damage . . .

Table VIII

ON TORTS

1. Whoever shall chant a magic spell . . .

2. If a man maim another, and does not compromise with him, there shall be retaliation in kind.

3. If with the fist or club a man break a bone of a freeman, the penalty shall be three hundred asses; if of a slave, one hundred and fifty asses.

4. If he does any injury to another, twenty-five asses; if he sing a satirical song let him be beaten.

5. . . . if he shall have inflicted a loss . . . he shall make it good.

6. Whoever shall blight the crops of another by incantation . . . nor shalt thou win over to thyself another's grain . . .

12. If a thief be caught stealing by night and he be slain, the homicide shall be lawful.

13. If in the daytime the thief defend himself with a weapon, one may kill him.

15. . . . with a leather girdle about his naked body, and a platter in his hand . . .

16. If a man contend at law about a theft not detected in the act . . .

21. If a patron cheat his client, he shall become infamous.

22. He who has been summoned as a witness or acts as libripens, and shall refuse to give his testimony, shall be accounted infamous, and shall be incapable of acting subsequently as witness.

24. If a weapon slip from a man's hand without his intention of hurling it . . .

Table IX

(No fragments of this table are extant.)

Table X

SACRED LAW

1. They shall not inter or burn a dead man within the city.

2. . . . more than this a man shall not do . . . ; a man shall not smooth the wood for the funeral pyre with an ax.

4. Women shall not lacerate their faces, nor indulge in immoderate wailing for the dead.

5. They shall not collect the bones of a dead man for a second interment.

7. Whoever wins a crown, either in person or by his slaves or animals, or has received it for valor . . .

8. . . . he shall not add gold . . . ; but gold used in joining the teeth . . . This may be burned or buried with the dead without incurring any penalty.

Table XI

(No fragments of this table are extant.)

Table XII

SUPPLEMENTARY LAWS

2. If a slave has committed theft, or has done damage . . .

3. If either party shall have won a suit concerning property by foul means, at the discretion of the opponent . . . the magistrate shall fix the damage at twice the profits arising from the interim possession.

The decemvirs were forcibly overthrown before the close of their second year in office. The stories as to the cause are not only conflicting but diametrically so. According to one historical theory, the rebellion against the decemvirs began among the plebeians on account of the oppression which they suffered from the hands of these men; while, on the other hand, it is believed by many historians that the decemvirs were overthrown by the patricians because they were giving too many concessions to the plebeians. Whatever the cause, the power of the decemvirs was taken from them and all the former Roman officials and assemblies were reëstablished, with the old powers and jurisdictions. The "Law of the Twelve Tables," which the decemvirs had drawn up, however, remained for centuries as the great basis of Roman law.

Five years after the deposition of the decemvirs the tribune Canuleius secured the passage by the comitia tributa of the Canuleian Law, which marked another milestone passed by the plebeians in their march toward equality before the law.

Two great concessions were given by this act, one in the field of private and the other in the field of public law. The law which had existed from the earliest days in Rome, and which had been incorporated in the "Law of the Twelve Tables," prohibiting intermarriage between plebeians and patricians, was abolished. It was also provided that any year the people, instead of electing consuls, might elect military tribunes, who should possess all the powers, although not all the dignities, of the consuls. Either patricians or plebeians could be elected to the office of military tribunes.

The election of military tribunes was authorized by law many years before any such officials were elected in Rome; but the fear that the consular power might sometime fall into the hands of a plebeian induced the patricians in 443 B.C. to secure the passage of a law for the creation of new officials

who should possess some of the powers previously held by the consul and who must be chosen from the patrician order.

These new officials, called censors, were to be two in number and were to be elected every five years. At first these officials held office until the time arrived for the election of their successors, but later their term of office was limited to one year and a half, there thus being three and one half years out of every five-year period when this office was in abeyance.

The most important duty given to the censors at the outset seems to have been the authority of filling vacancies in the Senate as it became necessary to keep the number up to the required three hundred. Up to this time this power of appointing senators had been exercised by the consul. As time went on, however, the powers of this office rapidly increased until at length it became the highest post of honor at Rome, the men elected censors being almost invariably former consuls or military tribunes.

The arbitrary power of inquisition over all the public affairs of Rome and the private conduct of the Roman citizens was so

astonishingly great that we wonder how it could have existed without constant and gross abuses. In the later days of the republic the censors had the right to make a so-called "censorial note" of all Roman citizens, who, without having gone to the point of violating the criminal law, or at least without having been convicted of a crime, had been guilty of dishonorable or immoral conduct. All persons thus named suffered severe civic penalties. If the person were a senator he lost his seat in the Senate; if a knight, he lost the peculiar privileges belonging to this rank. In every case the person lost his membership in the association of his tribe and was subject to increased taxation.

The exclusive right to serve as censors was one of the last exclusive privileges retained by the patricians, the plebeians not being made eligible to this office until 339 B.C.

Although Rome was in an almost constant state of warfare during the fifth century before Christ, the conflicts were neither on a large scale nor decisive in their results. The chief enemies of Rome were the neighboring Latin and Etruscan cities, with one or another of whom Rome was almost

constantly engaged in hostilities. At the beginning of the fourth century before Christ Rome was attacked by a new and more terrible enemy from the north, who very nearly changed the whole course of the world's history by wiping the city of Rome out of existence before its career of greatness had begun.

This enemy was the Gauls, who captured and burned Rome in the year 390 B.C., but who failed to take the citadel of the city and finally withdrew, either being driven away or bribed to depart. Not only are the details of the capture of Rome by the Gauls very uncertain, but by destroying all the old Roman records and many of the Roman monuments in their sack of Rome, the Gauls are responsible for much of the uncertainty which exists as to the truth of the details of the history of Rome prior to their invasion. In fact, it is generally considered that the authentic history of Rome begins only after 390 B.C., the history of the Roman kingdom being little more than mythology; while what we know of the Roman republic prior to 390 B.C. consists of an inseparable mixture of true history and legendary tales.

After the departure of the Gauls the question arose whether Rome should be rebuilt on its old site or whether all the Romans should migrate in a body to Veii. It was only after a long discussion that it was finally decided to remain at Rome.

The rebuilding of Rome was immediately followed by another period of conflict between the patricians and plebeians. Two causes of discontent brought about the renewal of this contest. The first was the financial condition of the poorer classes, who had been rendered more desperate through the losses occasioned by the Gallic invasion; and second, the desire of the richer plebeians to share in the political honors reserved exclusively for the patricians.

In this contest the leaders of the plebeians were the tribunes Gaius Licinius and Lucius Sextius, who were, year after year, reëlected to this office by the people.

The so-called Licinian Laws, first introduced by these tribunes in 376 B.C., were adopted only after the most bitter political contest which up to this time had ever been fought in Rome. Time and again, the tribunes resorted to their veto power to put a stop to

the carrying on of every function of the Roman government. These laws were finally passed in 367 B.C., their three great provisions being as follows:

1. That of all debts on which interest had been paid, the sum of the interest paid should be deducted from the principal, and the remainder paid off in three successive years.

2. That no citizen should hold more than five hundred *jugera* (nearly 320 acres) of the public land, or should feed on the public pastures more than one hundred head of larger cattle and five hundred of smaller, under penalty of a heavy fine.

3. That henceforth consuls, not consular tribunes, should always be elected, and that one of the two consuls must be a plebeian.

Although the Licinian Laws are generally held to have equalized the different orders at Rome, to have terminated forever the bitter jealousy between patricians and plebeians, to have put a stop for a time to class controversies of all kinds, and to have rendered possible the great career of foreign conquest upon which Rome soon entered, the fact remains that the benefit of these laws was experienced far more by the small class

of wealthy plebeians than by the great mass of this order.

Henceforth, with very few exceptions, one consul was always a plebeian, Lucius Sextius being the first plebeian consul and Gaius Licinius the third; but the chance of being elected consul was in reality limited to a small class of plebeians and conferred little practical benefit upon the ordinary member of the order.

The laws for the relief of the poorer classes were not so fully enforced. In particular, the wealthy citizens holding large allotments of the public land found methods by which to evade the carrying out of the provisions of this new law, and we are surprised to find Licinius himself as one of the offenders in this respect.

It was in the period following the passage of the Licinian Laws that the greatest inequalities in wealth began to appear at Rome, and the numbers of free small landowners to decrease.

The history of the Licinian Laws and of the following period show conclusively how mere political equality is never sufficient to secure the welfare of the mass of the community,

and that the power held by a class possessed of great wealth, but without special political privileges, is greater than that of a recognized nobility, and far more apt to be abused, on account of the absence of any feeling of class honor.

Two slight efforts were made by the patricians to counteract the political provisions of the Licinian Laws. For the first eleven years after the passage of the Licinian Laws one consul was a plebeian and one a patrician. In the thirteen years beginning with 355 B.C., two patricians were elected consuls in eight of the years; after this, violations of the law ceased, and one consul belonged to each order down to the year 172 B.C., when both consulships were open to the plebeians. The wealthy class of both orders had been so mingled by this time that thereafter consuls were elected indiscriminately from either order, although this election was almost invariably restricted to the members of the great families.

Immediately after the passage of the Licinian Laws the patricians secured the creation of a new office. The man holding this office was called *prætor*, and was given the judicial powers formerly belonging to the consuls. At

a later period the number of prætors was increased to two, one of whom, known as the *prætor urbanus*, had jurisdiction over controversies between Roman citizens, and the other, the *prætor peregrinus*, who had jurisdiction over controversies between foreigners residing at Rome and between Romans and foreigners.

CHAPTER V

The Period of Foreign Conquest

THE most glorious period of Roman history, from the military standpoint, followed closely upon the cessation of fierce national contests in the fourth century before Christ. The united efforts of patricians and plebeians, devoted to the task of foreign conquest, proved sufficient in a few generations to win for Rome her world empire.

"The fifth century is the most beautiful century of Rome. The plebeians had conquered the consulship and are succeeding in conquering their admission to other magistracies which the patricians wished to reserve; they free themselves from the servitude which, under the name of Nexus, weighed on the debtors. They arrive at political equality and individual independence; at the same time the old aristocracy still dominates in the Senate and maintains there the inflexibility of its resolves and the persistence of its designs. It was thanks to this interior condition that the Roman people was able to survive the strongest tests from without over which it had triumphed, and to make that progress which cost it most dear. We see the peoples fight, one by one, and often all together; the Latin people, the Etruscans, the Goths, the Samnites, the other Sabellic peoples of the Apennines;

and the end is always victory. The beginnings of this history were somber. Rome was afflicted by one of those pestilences which one finds in all the epochs of the history of this unsanitary city. Thence was the origin of those scenic pieces imported by the Etruscans and giving origin to comedy—a means devised to appease the gods; so that Roman comedy had an origin religious and dismal. The fifth century is for Rome the age of great devotions and of grand sacrifices." (J. J. Ampère in *L'empire romaine à Rome.*)

A full description of the various military campaigns of Rome would tend to obscure rather than to illumine the political and economic history of the city. An enumeration of the foreign conquests of Rome during this period, however, is necessary to indicate the rapid increase in the territorial possessions of Rome, with their inevitable reaction upon the domestic conditions of the republic.

The first wars of Rome after the passage of the Licinian Laws were renewed contests with her neighboring enemies. In 361 B.C. Rome was again threatened by a new invasion of the Gauls. The following year the Roman records mention a victory over the Hernicans by one Roman consul, and over the Gauls, and the Latins of Tibur, by the other. This alliance of the Gauls with a portion of the

Latins so alarmed the majority of the Latin cities that a new league between the Romans and Latins was formed in 358 B.C. The Gauls soon after retired from the neighborhood of Latium, and their allies, Tibur and Privernum, were compelled to enter the new Latin League.

A war waged against Rome by the Etruscan city of Tarquinii and its allies so seriously threatened Rome that the Roman political factions forgot their differences so far as to agree to the appointment (for the first time in the history of the city) of a plebeian, in the person of C. Marcius Rutilus, to the office of dictator. The old jealousy of the patricians, however, was soon manifested again in the opposition of the Senate to the granting of a triumph to this plebeian for the great military victory which he soon won.

In 350 B.C. a third invasion of the Gauls was repulsed by the Romans.

The next great contest in which Rome was engaged was that with the Samnites. This race was both the most worthy and the most bitter of the enemies of Rome within Italy, and the long warfare between Rome and the Samnites was terminated only by the practical

extermination of the latter race. The First Samnite War extended from 343 to 341 B.C. and was indecisive in its results, the Samnites at its close agreeing to give a year's pay and three months' provisions to the Roman army, and being permitted to make war on the Sidicini.

The close of the First Samnite War was followed closely by the Latin War (340–338 B.C.). This war was brought about by the jealousy felt by the other Latin towns toward Rome. Rome had been abusing her position as the capital of the Latin League, and desired to acquire an acknowledged supremacy over Latium. The war was an effort on the part of the other Latin cities to restrain the too rapidly increasing power of Rome and to reëstablish the balance of power in Latium. In this war was seen the extraordinary spectacle of the Samnites appearing as allies of Rome. The Hernicans also aided the Romans, and the Sidicini and Campanians aided the Latins. The war resulted in the complete overthrow of the Latins; but the Romans showed great generosity and good judgment in their treatment of the conquered cities after the war, and thus did

much toward binding the Latins to Rome for the future.

The main provisions of the peace agreements were as follows: Roman citizenships, in different degrees, were conferred upon the inhabitants of the various Latin towns, who were, however, forbidden to form any leagues among themselves or to hold diets; intermarriage and commerce between the different Latin towns were prohibited; the *municipium* such as the Latins had previously possessed was given to the citizens of Capua, Cumæ, Formiæ, Fundi, and Suessula; the Latin contingents in the Roman army were henceforth to be permitted to serve apart from the legions under their own officers; and the Latin public land, two thirds of that of Privernum, and the lands in the Falernian district of Campania were taken by Rome, as were also the lands of the principal families of Velitræ, who were compelled to emigrate beyond the Tiber.

Ten years of peace followed, and then came the second and greatest of the Samnite wars (327–304 B.C.). The Samnites were aided during part of the war by the Etruscans and the Hernicans, but at the end the Samnites

were compelled to acknowledge the supremacy of Rome and give up their independence. The Hernicans were completely overthrown in 307 B.C., and were united to Rome on conditions very similar to those possessed by the Latins.

In the Third Samnite War (298–290 B.C.) the Romans were again victorious, although a league of Samnites, Etruscans, Gauls, and Umbrians was formed against them. The exact terms of the treaty of peace at the conclusion of this war are not recorded, but undoubtedly riveted Roman control still more strongly upon Samnium.

It was the final result of the Roman-Samnite wars which finally determined the question of the overlordship of Italy. Of all the numerous races of Italy, two and only two possessed the stamina which rendered them possible unifiers of the whole peninsula. Rome's defeat of Samnium left her without a rival in Italy and ready for contests with her later and greater rivals. The close of the Third Samnite War, however, did not end the resistance of the Samnites to Roman rule. Even down to the time of the contests of Marius and Sulla we find this race grasping

every opportunity to strike a blow against Roman dominion.

In 284 B.C. the Tarentines succeeded in bringing about a union of the Samnites, Lucanians, Umbrians, Bruttians, Etruscans, and Gauls against Rome. This war was a series of victories for the Romans. By the year 282 B.C. all of the Roman enemies were subdued except the Etruscans, with whom the war continued until 280 B.C. In this last-named year the Romans, alarmed by the danger of war with Pyrrhus, concluded a peace with the Etruscans on such terms as changed these people from bitterest enemies into most faithful allies.

The time had now arrived when Rome was called upon for the first time to cross arms with enemies from beyond the Italian peninsula. The first of these contests with a foreign power was fought out entirely within the confines of Italy.

The year 280 B.C. saw the beginning of the contest between Rome and Pyrrhus, king of Epirus, who had been summoned to Italy as an ally of the Greek city of Tarentum. At the outset the Romans suffered two great defeats, at Heraclea and on the plain of

Apulian Asculum, largely through their inability to meet the attacks of the phalanxes and of the war elephants. In the end, however, Pyrrhus, although aided by all the enemies of Rome in southern and central Italy, ended his campaign in failure and returned to Epirus in 275 B.C., his dream of a great western empire forever shattered.

In the ten years following the departure of Pyrrhus the subjugation of all Italy was completed, followed by a reorganization of the government of the Roman colonies and subject cities.

The second foreign enemy of Rome was Carthage, and the most dramatic pages in the whole history of Roman conquest are those which relate the story of the contest between these two titanic rivals for world supremacy. The immediate cause of the First Punic War arose over the possession of Messana, a city in Sicily separated from Italy by only a narrow strait; but war between Rome and Carthage was inevitable; and if Messana had not become the bone of contention, another would have been found. The First Punic War lasted from 264 to 241 B.C. and resulted in victory for Rome.

By the terms of peace Carthage gave up Sicily and all the small islands between Sicily and Italy, and paid a heavy war indemnity to Rome. Shortly after the close of the war the Romans, by threats, compelled the Carthaginians to surrender also the islands of Sardinia and Corsica.

In 230 B.C. the Romans were engaged in war with the Illyrian pirates; and from 226 to 221 B.C. with the Insubrian Gauls, both of which conflicts resulted in easy victories for the Roman arms.

In the meantime Hamilcar, his son Hannibal, and his son-in-law Hasdrubal had been busy in Spain, reducing it under Carthaginian rule and preparing it to be used as a base of operation from which an invasion of Italy might be attempted whenever a favorable opportunity should present itself.

In 227 B.C. the Romans, becoming alarmed at the spread of the Carthaginian empire in Spain, insisted on a treaty by which the river Ebro was fixed as the northern boundary beyond which the control of Carthage should never extend. In 219 B.C. Hannibal (whose father and brother-in-law had by this time both fallen in the war) attacked the city of

Saguntum, which, though south of the Ebro, was an ally of Rome. No heed being taken of the Roman remonstrances, war was again declared.

The Second Punic War lasted from 218 to 202 B.C. The early years of this war saw a long series of Carthaginian victories, and their great general, Hannibal, has ever since ranked as one of the greatest military geniuses in history. This war, however, has been well described as that of a man against a nation; and in the end the nation conquered. The final battle was that of Zama, fought in Africa in 202 B.C.

By the terms of the treaty of peace made at the close of this war Carthage surrendered to Rome all her territorial possessions outside of Africa, all her elephants, and all her war ships except three triremes, and also bound herself to pay a heavy annual tribute for fifty years. In addition, Carthage was prohibited from making war, under any circumstances, outside of Africa, nor within Africa except with the consent of Rome; and was compelled to return to the ally of the Romans, Masinissa, king of Numidia, all the territory and property which had been taken from him

or his predecessors by Carthage. In many respects, however, the treaty was favorable to Carthage, who was permitted to keep her African territory practically intact, who was also permitted to keep her independence, and was not required to receive any Roman garrison.

The Second Punic War was the decisive contest between Rome and Carthage, the First Punic War being indecisive and the third being merely the destruction of an already conquered people. This Second Punic War, however, was something more than the decisive contest between Rome and Carthage; it was the decisive contest between two continents, two races, two systems of institutions. The battle of Metaurus has justly been classed as one of the decisive battles of the world. The capture of Rome by Hannibal could not have failed to have entirely altered the whole future course of history. If Hannibal had been able to carry back to Carthage the spoils of a conquered Rome he would also have carried with them to Africa the scepter of world empire. He would have wrested race supremacy and the leading place in civilization from the Aryan for the

Hamitic races. For many centuries, at least, the center of power and civilization would have been upon the southern instead of the northern shores of the Mediterranean, and it is at least doubtful whether, even to-day, the northern races could have completely eradicated the effects of such an event.

In spite of the earlier triumphs of Persia and Greece, it was not until the Roman victory over the Carthaginians that the position of the Aryan races became definitely assured.

Mommsen writes on the results of the Second Punic War as follows:

"It remains for us to sum up the results of this terrible war, which for seventeen years had devastated the lands and islands from the Hellespont to the Pillars of Hercules. Rome was henceforth compelled by the force of circumstances to assume a position at which she had not directly aimed, and to exercise sovereignty over all the lands of the Mediterranean. Outside Italy there arose the two new provinces in Spain, where the natives lived in a state of perpetual insurrection; the kingdom of Syracuse was now included in the Roman province of Sicily; a Roman instead of a Carthaginian protectorate was now established over the most important Numidian chiefs; Carthage was changed from a powerful commercial state into a defenseless mercantile town.

Thus all the western Mediterranean passed under the supremacy of Rome. In Italy itself, the destruction of the Celts became a mere question of time: the ruling Latin people had been exalted by the struggle to a position of still greater eminence over the heads of the non-Latin or Latinized Italians such as the Etruscans and Sabellians in lower Italy. A terrible punishment was inflicted on the allies of Hannibal. Capua was reduced from the position of second city to that of first village in Italy; the whole soil, with a few exceptions, was declared to be public domain-land, and was leased out to small occupiers. The same fate befell the Picentes on the Silarus. The Bruttians became in a manner bondsmen to the Romans and were forbidden to carry arms. All the Greek cities which had supported Hannibal were treated with great severity; and in the case of a number of Apulian, Lucanian, and Samnite communities a loss of territory was inflicted, and new colonies were planted. Throughout Italy the non-Latin allies were made to feel their utter subjection to Rome, and the comedies of the period testify to the scorn of the victorious Romans.

"It seems probable that not less than three hundred thousand Italians perished in this war, the brunt of which loss fell chiefly on Rome. After the battle of Cannæ it was found necessary to fill up the hideous gap in the Senate by an extraordinary nomination of 177 senators; the ordinary burgesses suffered hardly less severely. Further, the terrible strain on the resources of the state had shaken the national economy to its very foundations. Four hundred flourishing

townships had been utterly ruined. The blows inflicted on the simple morality of the citizens and farmers by a camp life worked no less mischief. Gangs of robbers and desperadoes plundered Italy in dangerous numbers. Home agriculture saw its existence endangered by the proof, first given in war, that the Roman people could be supported by foreign grain from Sicily and Egypt. Still, at the close and happy issue of so terrible a struggle, Rome might justly point with pride to the past and with confidence to the future. In spite of many errors she had survived all danger, and the only question now was whether she would have the wisdom to make right use of her victory, to bind still more closely to herself the Latin people, to gradually Latinize all her Italian subjects, and to rule her foreign dependents as subjects, not as slaves—whether she would reform her constitution and infuse new vigor into the unsound and fast-decaying portion of her state."

Up to the close of the third century before Christ the wars of Rome had been mainly forced upon her by the aggressions of others, or had grown out of disputes which had arisen in the natural course of events; but after the battle of Zama, Rome entered deliberately upon a career of foreign conquest.

In 200 B.C. a Roman army invaded Macedon, and Philip, the king of this country, was completely defeated at the battle of

Cynoscephalæ in 197 B.C., but the Romans consented to easy terms of peace at this time on account of the expectation of a war with Syria. The first war between Rome and Antiochus the Great, king of Syria, began in 191 B.C. and ended in 187 B.C. By the terms of peace Antiochus gave up all his claims in Europe, and in Asia west of the Taurus.

The Second Macedonian War began in 172 B.C. and was concluded by the great Roman victory at Pydna in 168 B.C. Macedon was at first divided into four republics, between which the rights of *connubium* and *commercium* were prohibited, but soon sank into the condition of a Roman province. Roman influence and interference were also rapidly increasing in Greece during this period, although no formal annexation of territory was made at this time.

The Third Punic War (149–146 B.C.), forced by Rome upon an almost helpless antagonist, resulted in the complete overthrow of the greatest of Rome's rivals. Carthage was completely destroyed, and Africa became a Roman province.

The Achæan War (147–146 B.C.) resulted in

the practical subjection of all Greece to Rome; and between the years 143 and 133 B.C. the conquest of Spain was completed.

The interest in Roman history during the period from 367 to 133 B.C. is mainly centered in the military achievements of the republic, but certain events in the political history of Rome during this period must be noted before passing to a consideration of the violent political conflicts which arose over the proposed reforms of the Gracchi.

By the Lex Horatia and the Lex Publilia (339 B.C.) it was provided that the *plebiscita* (that is, the decrees of the comitia tributa) should be binding as laws; that one of the censors must be a plebeian; and that the subsequent ratification by the Senate should not be necessary to render valid the laws passed by the comitia centuriata.

In 326 B.C. the Lex Pœtelia Papiria prohibited debtors from assigning themselves as security for debts. This did not interfere with the selling of a debtor into slavery by means of the *legis actio per manus injectionem;* it merely prohibited the debtor from using himself as a special pledge to secure the payment of the debt.

In 304 B.C. the plebeians secured the publication of a manual containing full information as to the proper steps in the proceedings in the various *legis actiones*, and also as to the *dies fasti*. In the early days at Rome all legal knowledge had belonged to the patricians, who had always strenuously resisted any movement toward making such information open to all. An exclusive knowledge of the law is of great advantage to any special class in any community, and one eagerly sought under different disguises in many countries. The present attempt to monopolize legal education in the United States, and to attack all movements which might tend to a general diffusion of legal knowledge among the mass of the community, is merely another manifestation of the same spirit which animated the Roman patricians in their long contests to keep all legal knowledge away from the plebeians. While the study of all professions which have no political signification, such as that of medicine, may safely be regulated by the government, and while the government may without injustice impose proper qualifications upon those who desire to practice law as their

profession, any attempt of the government to restrict the teaching or study of the law, or to impose upon those desiring to take bar examinations restrictions intended merely to keep out of the profession those not fortunate enough to belong to the wealthy classes, can be intended only as an attack on democratic principles and as an attempt to create a monopoly of legal learning for improper purposes.

In 286 B.C. was passed the Hortensian Law, which brought about the complete political equality of plebeians and patricians, whatever slight distinctions still remained being removed by this law.

CHAPTER VI

The Tribes, the Colonies, and the Provinces

COMPLETE equality of political and civil rights has never existed, in any republic, among those subject to the laws; and throughout the whole history of the Roman republic the most striking discriminations existed between different strata in the political and economic organizations.

The contests arising from caste distinctions among the Romans themselves are discussed in other chapters of this volume; it is here proposed to treat of the distinctions existing between Roman citizens, allies, and subjects and to describe briefly the status of each class.

Just as in the days of the Roman kingdom the test of Roman citizenship was membership in one of the curiæ, so in the time of the republic the test became membership in one of the tribes.

In the early days of the republic the number of tribes was twenty-one. Four new tribes were established in 387 B.C. in the conquered

territories of Veii, Capena, and Falerii. Other tribes were from time to time created, until by the time of the close of the war with Pyrrhus the total number of tribes was thirty-three. The twelve new tribes occupied a district beyond the Tiber extending a little farther than Veii, a portion of the Sabine and Aequian territory beyond the Anio, part of Latium, part of the Volscian territory, and the coast lands as far as the Liris. The last addition to the number of tribes at Rome took place in 235 B.C., when the number was increased to thirty-five.

The struggles in Rome for the extension of political rights and privileges were always of a concrete, never of an abstract character. We find none of the philosophy of Montesquieu among the Romans; no discussion of natural rights, no effort for the securing of political equality in the abstract. The Roman contests for liberty were always of a strictly practical and, it might perhaps be added, of a strictly selfish character. We find a series of conflicts, in each of which a certain class of the citizens (or subjects) of Rome fought for the right to be enrolled among those possessed of Roman political rights.

At first the contests were all between the actual inhabitants of Rome itself. The political controversies, however, did not terminate upon the admission of the plebeians to full political rights. After the plebeians had won their contests there came the Latins, and after the Latins the Italians.

The relation between early Rome and the other cities of Latium was of the closest character. From the remotest times, long before the foundation of Rome, a league of Latin cities was in existence. At the head of this league stood Alba Longa (the long white city). Rome in an early period in her history overthrew Alba Longa and succeeded to her place at the head of the confederacy. While, however, the primary of Alba Longa had never extended beyond giving to that city the honorary presidency of the league, making it the religious center of Latium, the leadership of Rome was of a real and substantial character. By the terms of agreement between the members of the new Latin League, Rome was tacitly ranked as the equal of the other cities combined, it being agreed that all territory won by the league in war should be divided, one half to Rome and one

half among the other cities. The rights of intermarriage and of trade existed between all the cities of the league.

In 384 B.C. Rome was strong enough to compel the league to agree to the closing of its membership. At that time there were in the league thirty towns with full Latin rights and seventeen towns without the right of voting. Towns which in the future should become connected with the league were to have the rights of intermarriage and of trade only with Rome.

The Latin League came to an end in 338 B.C. The extension of the rights of Roman citizenship, either complete or qualified, to other races in Italy is referred to in other chapters of this book. The history of this subject is thus summarized by Mommsen:

"It remains for us to consider the political effect of the mighty changes consequent upon the establishment of Roman supremacy in Italy. We do not know with exactness what privileges Rome reserved for herself as sovereign state. It is certain that she alone could make war, conclude treaties, and coin money; and that, further, any war or treaty resolved upon by the Roman people was legally binding on all Italian communities, and that the silver money of Rome was current everywhere in Italy.

"The relations of the Italians to Rome cannot in all cases be precisely defined, but the main features are as follows. In the first place, the full Roman franchise was extended as far as was compatible with the preservation of the urban character of the Roman community. Those who received this franchise may be divided into three classes. First, all the occupants of the various allotments of state lands, now embracing a considerable portion of Etruria and Campania, were included. Second, all the communities which, after the method first adopted in the case of Tusculum, were incorporated and completely merged in the Roman state. . . . Finally, full Roman citizenship was possessed by the maritime or burgess colonies which had been instituted for the protection of the coast. . . .

"Thus the title of Roman citizen in its fullest sense was possessed by men dwelling as far north as Lake Sabatinus, as far east as the Apennines, and as far south as Formiæ. But within those limits isolated communities such as Tibur, Præneste, Signia, and Norba, were without the Roman franchise; while beyond them other communities, such as Sena, possessed it.

"In the next place, we must distinguish the various grades of subjection which marked all the communities not honored with the full Roman franchise. As in the case of the recipients of full citizenship, so here we may make a threefold division. To the first division belong the Latin towns: these retained their Latin rights; that is, they were self-governing

and stood on an equal footing with Roman citizens as regards the right of trading and inheritance. But it is important to observe that the Latins of the later times of the republic were no longer for the most part members of the old Latin towns, which had participated in the Alban festival, but were colonists planted in Latium by Rome, who honored Rome as their capital and parent city, and formed the main supports of Roman rule in Latium. Indeed, the old Latin communities, with the exception of Tibur and Præneste, had sunk into insignificance. It was but natural that the Latin colonies, issuing as they did from the burgess-body of Rome, should not rest content with mere Latin rights, but should aim at the full rights of Roman citizens. Rome, on the other hand, now that Italy was subjugated, no longer felt her former need of these colonies; nor did she deem it prudent to extend the full franchise with the same freedom as she hitherto had done. . . .

"To the second division belong those towns whose inhabitants were passive citizens of Rome (*cives sine suffragio*). They were liable to service in the Roman legions and to taxation, and were included in the Roman census. A deputy or prefect appointed annually by the Roman prætor administered justice according to laws which were subjected to Roman revision.

"In the third and last division we may include all allied communities which were not Latin states; the relation of these towns to Rome was defined by separate treaties, and therefore varied in accordance with the terms imposed by such agreements. . . .

"It had taken Rome 120 years to complete the union of the Italian peninsula, broken up as it was by mountain ranges and naturally favoring the formation and preservation of various isolated states. But union it was, rather than a subjugation, and each nation was left to the practical management of its own affairs. Content with self-government, the various communities, for the most part, easily bore the yoke of Roman supremacy. Eventually all the municipal towns received the full Roman franchise (90 B.C.), and thus established the municipal principle of government which endures to the present day."

The rights of Roman citizenship were never generally given outside of the Italian peninsula, although such rights were granted to a few favored individuals in all portions of the Roman world. The possession of these rights was the greatest privilege which could be acquired by any subject of Rome. Even when the strictly political rights of such citizen disappeared under the empire, the personal distinction and protection connected with this citizenship remained. As striking an evidence of the dignity and privileges of a Roman citizen as could be desired is found in the Bible in the twenty-second chapter of Acts:

"The chief captain commanded him to be brought into the castle, and bade that he should be examined

by scourging; that he might know wherefore they cried so against him.

"And as they bound him with thongs, Paul said unto the centurion that stood by, Is it lawful for you to scourge a man that is a Roman, and uncondemned?

"When the centurion heard *that*, he went and told the chief captain, saying, Take heed what thou doest: for this man is a Roman.

"Then the chief captain came, and said unto him, Tell me, art thou a Roman? He said, Yea.

"And the chief captain answered, With a great sum obtained I this freedom. And Paul said, But I was *free* born.

"Then straightway they departed from him which should have examined him: and the chief captain also was afraid, after he knew that he was a Roman, and because he had bound him."

At the close of the Second Punic War Rome was in possession of five provinces—Sicily, Sardinia, Hither Spain, Farther Spain, and the Gallic coast of Umbria. This latter province soon became an integral part of Italy, but the number of Roman provinces was kept at five by the creation of the province of Cisalpine Gaul. From this time on the number of Roman provinces rapidly increased. The existence of the provinces perpetuated the existence of various classes of political rights.

We will close this account with a description by Gibbon of the relations between Rome and the provinces as they existed during the closing years of the republic and the early days of the empire:

"Till the privileges of Romans had been progressively extended to all the inhabitants of the empire, an important distinction was preserved between Italy and the provinces. The former was esteemed the centre of public unity, and the firm basis of the constitution. Italy claimed the birth, or at least the residence, of the emperors and the senate. The estates of the Italians were exempt from taxes, their persons from the arbitrary jurisdiction of governors. Their municipal corporations, formed after the perfect model of the capital, were intrusted, under the immediate eye of the supreme power, with the execution of the laws. From the foot of the Alps to the extremity of Calabria, all the natives of Italy were born citizens of Rome. Their partial distinctions were obliterated, and they insensibly coalesced into one great nation, united by language, manners, and civil institutions, and equal to the weight of a powerful empire. The republic gloried in her generous policy, and was frequently rewarded by the merit and services of her adopted sons. Had she always confined the distinction of Romans to the ancient families within the walls of the city, that immortal name would have been deprived of some of its noblest ornaments. Virgil was a native of Mantua; Horace was inclined

to doubt whether he should call himself an Apulian or a Lucanian; it was in Padua that an historian was found worthy to record the majestic series of Roman victories. The patriot family of the Catos emerged from Tusculum; and the little town of Arpinum claimed the double honor of producing Marius and Cicero, the former of whom deserved, after Romulus and Camillus, to be styled the Third Founder of Rome; and the latter, after saving his country from the designs of Catiline, enabled her to contend with Athens for the palm of eloquence.

"The provinces of the empire (as they have been described in the preceding chapter) were destitute of any public force, or constitutional freedom. In Etruria, in Greece, and in Gaul, it was the first care of the senate to dissolve those dangerous confederacies, which taught mankind that, as the Roman arms prevailed by division, they might be resisted by union. Those princes whom the ostentation of gratitude or generosity permitted for a while to hold a precarious sceptre were dismissed from their thrones as soon as they had performed their appointed task of fashioning to the yoke the vanquished nations. The free states and cities which had embraced the cause of Rome were rewarded with a nominal alliance, and insensibly sunk into real servitude. The public authority was everywhere exercised by the ministers of the senate and of the emperors, and that authority was absolute and without control. But the same salutary maxims of government, which had secured the peace and obedience of Italy, were extended to the most distant

conquests. A nation of Romans was gradually formed in the provinces, by the double expedient of introducing colonies, and of admitting the most faithful and deserving of the provincials to the freedom of Rome."

CHAPTER VII

The Crisis—The Attempted Reforms of the Gracchi

"Once to every man and nation comes the moment to decide,
In the strife of Truth with Falsehood, for the good or evil side;
Some great cause, God's new Messiah, offering each the bloom or blight,
Parts the goats upon the left hand, and the sheep upon the right,
And the choice goes by forever 'twixt that darkness and that light.

. . . . . .

"Backward look across the ages and the beacon-moments see
That, like peaks of some sunk continent, jut through Oblivion's sea;
Not an ear in court or market for the low foreboding cry
Of those Crises, God's stern winnowers, from whose feet earth's chaff must fly;
Never shows the choice momentous till the judgment hath passed by.

"Careless seems the great Avenger; history's pages but record

One death-grapple in the darkness 'twixt old systems
and the Word;
Truth forever on the scaffold, Wrong forever on the
throne,—
Yet that scaffold sways the future, and, behind the
dim unknown,
Standeth God within the shadow, keeping watch
above his own."

—Lowell's *The Present Crisis*.

THE critical days of any contest are seldom those of its final culmination. The end has generally been long foreshadowed. The time at which the last stand for the Roman liberties was made was not during the civil wars of the last century before Christ, but at the time of the attempted reforms of the previous century. The years in which the great crisis of the Roman republic was reached were those from 134 to 121 B.C., the years marked by the activities of the Gracchi.

The story of the Gracchi constitutes one of the strangest, grandest, and saddest stories in the whole course of history. It is a double story of sacrifice, suffering, and untiring labor; of temporary success, of ultimate death and failure—but a failure which stands forth more glorious in the pages of history than the greatest successes of others. It is the story

of two brothers, possessed of wealth and of high rank and connections, in the richest and most powerful country of the world—men to whom was open either an easy path along the old established road to the highest honors of the Roman state or the life of luxurious ease so eagerly embraced by the majority of the rich young Romans of that day. Casting aside both these choices, and recognizing the dangers of their native state, these brothers sacrificed all in an attempt to restore to Rome those conditions which in the past had built up her greatness, and to secure a redress of those conditions which had made the status of the great mass of the citizens of the "Mistress of the World" hardly superior to that of the very serfs. It is a story of the most aggravated selfishness and relentless hatred on the part of those favored few whose special and illegal interests were threatened by the attacks of the young reformers. It is also, unfortunately, to too great an extent a story of ingratitude and cowardice on the part of those for whose interest Tiberius and Gaius Gracchus sacrificed themselves in vain.

The Gracchi were fortunate in having as

father one of those Romans who still retained the Roman virtues of an earlier age,—patriotism, bravery, and honor. Not only had the administration of the elder Gracchus of the offices of consul and censor at Rome been free from corruption, but his administration of the governorship of the Province of Ebro had been of great service to his native country and had, furthermore, endeared his memory to the Spaniards themselves.

The mother of the Gracchi was Cornelia, daughter of Africanus Scipio, the greatest Roman hero of the previous generation. Of the twelve sons and one daughter born of this union, only the daughter and two sons lived to maturity. The two surviving sons were the first born, Tiberius Sempronius Gracchus, born about 166 B.C., and his brother Gaius, nine years younger.

Few young Romans were afforded the opportunity of such close relations and intercourse with the leading men of Rome as was Tiberius Gracchus in his early years. Even in boyhood his mind seems to have been of a serious cast, more interested in study and speculation than in the pleasures customary in youth.

In his father's house, which was to a large extent a common meeting place for all that was best in Roman society, he frequently heard the leading men of the city lament the disappearance from the country districts of the free citizens, and the attendant evils which seemed to be hovering over the Roman state. But what to his elders appeared lamentable principally on account of its effect upon the recruiting of the Roman legions, and consequently upon the control of Rome over her provinces and her foreign influence, was to young Tiberius an evil of a very different and more serious character. To him alone of this group did this condition appear as a great moral and social wrong—a wrong, moreover, whose effect would not be limited to the character of the soldiers in the Roman army, but which, if not remedied, would, like a cancer, eat out the very life of the Roman republic. Another difference was that those evils which brought forth from others languid, pessimistic, speculative reflections roused in Tiberius Gracchus the determination to action.

Hardly was the boyhood of Tiberius over when his public life began.

"Scarcely had Tiberius assumed the garb of manhood when he was elected into the college of augurs. At the banquet given to celebrate his installation, App. Claudius, the chief of the senate, offered him his daughter's hand in marriage. When the proud senator returned home, he told his wife that he had that day betrothed their daughter. 'Ah,' she cried, 'she is too young; it had been well to wait a while—unless, indeed, young Gracchus is the man.' Soon after his marriage he accompanied Scipio to Carthage, where he was the first to scale the walls

"The personal importance of Gracchus was strengthened by the marriage of Scipio with his only sister. But this marriage proved unhappy. Sempronia had no charms of person, and her temper was not good; Scipio's austere manners were little pleasing to a bride; nor were children born to form a bond of union between them." (Liddell's *History of Rome.*)

A brief taste of military life was added to the experience and training of Tiberius Gracchus when he served, while a mere youth, in the capture of Carthage.

His thirtieth year was spent as a quæstor in Spain. While traveling to and from this province he was forcibly impressed by the industrial and economic conditions in Etruria. Throughout this rich and extensive territory the small freeholder seemed to have entirely disappeared, and the land was now

occupied by large estates cultivated by slaves. Tiberius returned to Rome just as the so-called "slave war" in Sicily broke out. This war not only called attention to the vast number and the depths of wretchedness of the slaves already in Italy and the adjoining island, but it also served to emphasize the perilous condition of a state whose foundation rested upon such a smoldering volcano.

In this servile war the slaves throughout large portions of the island of Sicily arose in a body, murdered those of their masters who were not fortunate enough to escape, and selected a Syrian juggler as their king. A Greek slave, named Achæus, proved not only a skillful commander in the field but also a capable organizer, and he soon mustered a large army containing both slaves and free laborers. Another leader, Cleon, a Silician slave, captured the important city of Agrigentum. The united forces defeated the Roman prætor Lucius Hypsæus, and temporarily drove the Romans out of Sicily.

It was not until after three years of continued warfare, after the Romans had suffered numerous defeats and great armies had been sent under three different Roman

consuls, that the rebellion in Sicily was finally put down.

Upon his return from Spain, and at the breaking out of the servile war, Tiberius Gracchus had not hesitated to freely express his feelings as to the cause of the existing evils, and as to the necessary remedies for their amelioration, and it was not long before that part of the Roman people who were dissatisfied with existing conditions turned to Gracchus as the only logical leader for the reform movement. As his views on the cause of the evils and the general character of the remedies which he proposed had been shown to the people by his speeches, Tiberius was elected tribune in 134 B.C., taking office on December 10 of that year.

The reforms proposed by Tiberius Gracchus in the bill presented before the comitia tributa, almost immediately after his installation as tribune, were entirely of an economic character. In the field of mere political rights nothing more remained to be asked by the lowest of the Roman citizens; their pitiable condition was the result of the existing agrarian situation. The agrarian bill proposed by Tiberius Gracchus, while a

radical departure from existing conditions, was neither illegal, confiscatory, nor unjust; it merely provided for a reassumption on the part of the state of land long held illegally by the "special interests" of the place and age.

The agrarian law of Tiberius Gracchus was in its main features merely a revival of the Licinian agrarian law of 367 B.C. By the original law (which for more than two centuries had been so flagrantly violated) it had been provided that no head of a family should hold more than five hundred jugera (a jugera being a little more than three fifths of an acre) of the public land. Tiberius proposed to reënact this law, but with the concession added that adult sons might hold each an additional two hundred and fifty jugera; but not more than one thousand jugera, in all, were to be held by any single family. Whoever was unlawfully in possession of the public land was required to return the same, above the permitted maximum, to the state; fair compensation, however, was to be allowed for improvements made by the holder of the land while it was in his possession.

The law further provided that all public

lands were to be placed under the control of three commissioners. This commission was to allot the public land, in small parcels, to such poor citizens as might apply for it. These new occupiers of the land were to hold it in perpetuity as tenants of the state, paying a small annual rental. These estates were to descend to the children of the holders, but were not to be alienated, thus preventing the possibility of the land being once again gathered together into large estates.

No valid objection could be made to the proposals of Tiberius Gracchus, which were merely the righting of one of the worst of the existing scandals of the Roman administration; a reform, moreover, which was to be carried out in such a manner as to give to the wrongdoers far greater consideration than that to which they were entitled. The law, however, dealt a heavy blow against the richest and most powerful class in Rome. The greater Roman capitalists had so long held possession, in utter defiance of the law, of the great bulk of the public lands of the state that their wrongful possessions had, in their eyes, ripened into a rightfully vested interest.

An indirect method of attack has always been used by the opponents of Gracchus, both by the opponents of his own day and by those historians who have attempted to assail his memory. A recent historian, unfriendly both to Gracchus and to his democractic reforms (Ferrero), refers to this bill as follows:

"The bill was very favorably received by the peasants and the small proprietors. It appears also to have given great satisfaction to the clients, freemen, and artisans, who made up the proletariat of the metropolis; they fell into the not unnatural mistake —often made by the poor before and since—of regarding the greed of the rich, and the indifference of the government, as a sufficient explanation of their own distress."

The ancient historian Plutarch thus refers to this contest:

"Tiberius defending the matter, which of itself was good and just, with such eloquence as might have justified an evil cause, was invincible; and no man was able to argue against him to confute him, when, speaking in the behalf of the poor citizens of Rome (the people being gathered round about the pulpit for orations), he told them, that the wild beasts through Italy had their dens and caves of abode, and the men that fought, and were slain for their country, had nothing else but air and light, and so were compelled

to wander up and down with their wives and children, having no resting-place nor house to put their heads in. And that the captains do but mock their soldiers when they encourage them in battle to fight valiantly for the graves, the temples, their own houses, and their predecessors. For, said he, of such a number of poor citizens as there be, there cannot a man of them show any ancient house or tomb of their ancestors, because the poor men go to the wars, and are slain for the rich men's pleasures and wealth; besides, they falsely call them lords of the earth, where they have not a handful of ground that is theirs. These and such other like words being uttered before all of the people with such vehemency and truth, so moved the common people withal, and put them in such a rage, that there was no adversary of his able to withstand him. Therefore, leaving to contradict and deny the law by argument, the rich men put all their trust in Marcus Octavius, colleague and fellow-tribune in office, who was a grave and wise young man, and Tiberius' very familiar friend. That the first time they came to him, to oppose him against the confirmation of this law, he prayed them to hold him excused, because Tiberius was his very friend. But, in the end, being compelled to it through the great number of the rich men that were importunate with him, he withstood Tiberius' law, which was enough to overthrow it."

A more deep-dyed treachery than that to which Marcus Octavius at length consented is, fortunately, but seldom met with in history.

It was a treachery not only to one of his closest friends, not only to the class which he represented and the voters who had elected him, but also to the character and traditions of the very office which he held. The creation of the office of tribune had been the first great victory won by the plebeians; the duties of those holding this office had been to protect the lives and property, the rights and the liberties, of the weaker class in the community—the plebeians.

To make it possible for the tribunes to give such protection, the veto had been granted to them. From the time when this power had first been secured by the tribunes down to the day when the agrarian law of Tiberius Gracchus came before the comitia tributa for its final decision, the veto power of the Roman tribune had been the greatest bulwark of the poor man of Rome. Now, in the greatest crisis of the long contest in Roman history of human rights against class privileges, this power was to be the weapon by which a traitor was to secure the victory of the rich landowners over the great body of the Roman citizens.

The day upon which the bill was to come

before the comitia tributa found the Forum crowded with what was probably the largest number of citizens who, up to this time, had ever attended a meeting of this assembly. Tiberius Gracchus made his speech in favor of the law, which speech was received with great applause. The moment of his great triumph was apparently just at hand. The clerk was about to read the words of the bill, before it was voted upon, when the renegade tribune Marcus Octavius stood up and forbade the clerk to read the bill. Gracchus was surprised and, for the time, helpless. After much bitter discussion, the meeting was adjourned; but Gracchus gave notice that he would take up his bill again upon the next regular meeting day of the comitia tributa.

The cowardly treachery of his colleague, instead of discouraging Tiberius Gracchus, merely spurred him on to greater efforts. His policy, formerly in the main a conciliatory one, now became militant. In retaliation for the veto of Octavius he too made use of this power. Indeed, a more thorough and effective use of this power than that made by Gracchus at this time can hardly be imagined. A veto was put upon the exercise

of any of his functions by any of the Roman officials; even the treasury was shut up and the courts of justice discontinued. As the great landowners had now forfeited all claims to consideration on account of the methods which they had adopted, the compensation clauses were struck out of the bill, which in its amended form simply provided that the state should resume possession of all lands held in contravention of the Licinian Law. Even in this amended form there was nothing revolutionary about the bill; it was merely the reënactment of a law which already existed, and should have been in operation.

On the second day when the bill came before the comitia an attempt was again made to read the law, and this was again prevented by the veto of the tribune Octavius. Party feeling by this time ran so high that a riot seemed inevitable. Trouble was for the time averted by an agreement to refer the matter to the Senate.

A few months before, Gracchus' name would have possessed great influence in the Senate, and, furthermore, a number of the senators—the most patriotic and clear sighted, who saw the dangers with which Rome was confonted

—had in the beginning sympathized with Gracchus in the objects which he sought. By this time, however, Gracchus had lost all the sympathy and support which he had ever possessed in this direction. This is sometimes explained by saying that Tiberius Gracchus had alienated all the conservative elements in his support by the intemperance of his actions. Such an explanation cannot stand the scrutiny of history. The proposals and objects of Gracchus were never anything but moderate—never anything more than the claim that the existing laws must be enforced. The methods of Gracchus were not only strictly legal but also strictly conventional and usual, until the disgraceful tactics of his opponents constrained him to more forcible action.

At this time Tiberius Gracchus, meeting only reproaches from the senators, who were enraged at him because he had called attention to and made an issue of a state of political corruption from which their class had benefited for generations, returned to the comitia. Upon his return the meeting was again dissolved; but before it had adjourned Gracchus gave notice that he would still

again bring up his measure before the comitia tributa, on its next regular meeting day, and that if Marcus Octavius again interposed the veto power to prevent a vote being taken upon the bill, he would move the people that Octavius be deposed as tribune.

Before the day for the next meeting of the comitia tributa arrived, Gracchus appears to have made every effort to induce his colleague and former friend to recede from his position. All efforts in this direction, however, proving ineffectual, Gracchus immediately upon the assembling of the comitia moved that the tribune Marcus Octavius be removed from office. Of the first seventeen tribes to vote, each, by a unanimous or practically unanimous vote, was in favor of the deposition of Octavius. Before the vote of the eighteenth tribe was taken, Gracchus made a final appeal to Octavius to withdraw his opposition. After some hesitation Octavius refused, and the vote of the next tribe furnished the required majority for his deposition.

For the first time in a popular government the principle of the right of the people to recall an unworthy public official had been

put into practical operation. A more fitting occasion for this action can hardly be imagined.

The action of Tiberius Gracchus in adopting this innovation has been bitterly denounced, and as strongly defended. One of the liberal historians refers to this action as follows:

"These acts of Tiberius Gracchus are commonly said to have been the beginning of revolution at Rome; and the guilt of it is accordingly laid at his door. And there can be no doubt that he was guilty in the sense that a man is guilty who introduces a light into some chamber filled with explosive vapour, which the stupidity or malice of others has suffered to accumulate. But, after all, too much is made of this violation of constitutional forms and the sanctity of the tribunate. The first were effete, and all regular means of renovating the republic seemed to be closed to the despairing patriot, by stolid obstinacy sheltering itself under the garb of law and order. The second was no longer what it had been—the recognised refuge and defence of the poor. The rich, as Tiberius in effect argued, had found out how to use it also. If all men who set the example of forcible infringement of law are criminals, Gracchus was a criminal. But in the world's annals he sins in good company; and when men condemn him, they should condemn Washington also. Perhaps his failure has had most to do with his condemnation. But if ever a revolution was excusable this was; for it was carried not by a small party for

small aims, but by national acclamations, by the voices of Italians who flocked to Rome to vote. How far Gracchus saw the inevitable effects of his acts is open to dispute. But probably he saw it as clearly as any man can see the future. Because he was generous and enthusiastic, it is assumed that he was sentimental and weak, and that his policy was guided by impulse rather than reason. There seems little to sustain such a judgment other than the desire of writers to emphasise a comparison between him and his brother." (A. H. Beesly, in *The Gracchi, Marius and Sulla.*)

The procedure adopted by Gracchus on this occasion was unknown to the law, but it is hard to say that it was against the law. If this action was unconstitutional, and revolutionary, so had been every change which had ever been made in the fundamental principles of Roman public law. The truth of the matter was that Rome had neither a written constitution nor any law governing the method by which its fundamental law might be changed. Rome, in this respect, was constantly in a position similar to that in which the state of Rhode Island found herself in 1841. The old colonial charter, which after the separation from England had been continued in force as a state constitution,

was no longer suitable for existing conditions, and there was a general feeling among the inhabitants of the state that the old charter must give way to a new state constitution. A difficulty, however, here presented itself in the fact that the old colonial charter, having been granted by royal authority, contained no provision as to its amendment by act of the people. In this situation the people of the state were compelled to go outside of their organic law, and, disregarding the old charter, to adopt a new constitution and form of government. All this was not accomplished, however, without much confusion and an incipient civil war.

Similarly situated, Tiberius Gracchus was now obliged to go beyond the letter of the existing law, and to vindicate the underlying principle of Roman law that the duty of the tribune was the protection of the rights of the people, by introducing a new political expedient into the scheme of Roman government.

Upon the deposition of Octavius the agrarian law of Gracchus was immediately passed by acclamation. Three commissioners were appointed to carry out the provisions of the

bill—Tiberius Gracchus, his brother Gaius, and Appius Claudius, the father-in-law of Tiberius Gracchus.

For a time the success and popularity of Gracchus was at its zenith; the commissioners, appointed to allot the land, energetically prosecuted the work, and the great landowners became more and more bitter as they saw their illegal gains about to be wrested from them.

One difficulty in the carrying out of the agrarian law was due to the fact that the poverty of the mass of the Roman citizens was such that very few who desired to secure an allotment of land were possessed of, or could secure, the necessary money to stock the new farms and to erect the necessary buildings. When, therefore, at this crisis, it was learned that Attalus Philometor, the recently deceased king of Pergamus, in Asia Minor, had made the Roman people his heirs, bequeathing to them both his kingdom and all his private lands and treasures, Gracchus grasped at this opportunity to overcome the difficulty experienced by the agrarian commission. He proposed a law providing that all the money so received

should be used to furnish the necessary stock for those to whom the public land was assigned. About the same time another law was enacted, apparently not proposed by Tiberius Gracchus, providing that the Agrarian Commission (called the triumviri) should have final jurisdiction in all controversies over the question as to whether any particular piece of land was public or private land. The capitalistic party, setting an example which has been so often followed in our own country and in our own day, now attempted to divert the issue from the reforms being put into operation through the energy of Gracchus, by personal attacks upon the tribune himself; he was accused of having received a purple robe and diadem from the envoy of the late king of Pergamus; of having violated the Roman constitution; of desiring to make himself king over Rome. Only vindictive partisanship could find any basis upon which to allege the truth of any of these charges except perhaps that of a technical violation of the Roman constitution in the deposition of Octavius. The extreme party in the Senate, led by Publius Scipio Nasica, were openly plotting the death

of Tiberius Gracchus, either by assassination or by judicial proceedings, as soon as his term of office should expire.

The violent position taken by his opponents clearly showed to Tiberius Gracchus that both his reforms and his life were in danger. It was evident that neither the agrarian reforms nor the life of Gracchus would be safe after he had ceased to hold the office of tribune, and the course of events finally drove Tiberius into becoming a candidate for reëlection. To strengthen his hold upon the people he prepared three new laws. The first law diminished the required period of military service; the second law changed the procedure in the higher courts of law, and permitted the jurors to be selected from all persons possessing a certain amount of property, instead of (as previously) restricting the selection to members of the Senate; the third law created the right of appeal from the courts of law to the assembly of the people in all cases.

The scenes at the election in June, 133 B.C., when Tiberius Gracchus for the second time came before the comitia tributa as a candidate for election as tribune, were among the

most tumultuous in all Roman political history. Upon the first day of voting the first tribe gave its vote for the reëlection of Tiberius Gracchus; upon this, his opponents immediately raised a protest, declaring that no one could be twice, in succession, elected to the office of tribune. The debate on this question developed into such a tumult that any further business became an impossibility, and the meeting was adjourned until the next day.

The friends of Tiberius were now thoroughly alarmed for his safety. A large throng accompanied him to his home, and kept watch before his doors all night. Before going to the comitia tributa in the morning Tiberius is reported to have told his friends that if he considered himself in danger, during the day's proceedings, and thought it necessary for his friends to repel force by force, he would raise his hand to his head. No means seems to have been adopted, however, for any concerted or effectual resistance, and none of his friends who attended the meeting of the comitia tributa went armed.

On the morning of the second meeting of the comitia tributa the Senate also met

close by in the temple of Faith. Nasica demanded of the consul Scævola, who presided, to take steps to prevent the reëlection of Tiberius Gracchus. The consul refused to interfere. At this stage one of the senators, Fulvius Flaccus, who was friendly to Tiberius, hastened from the temple to inform him that his death was about to be resolved upon by the Senate. Upon hearing this news the friends of Gracchus began hastily to arm themselves with staves, for the protection of their leader, and Gracchus gave the agreed signal by raising his hand to his head.

Seizing every opportunity to attack the motives of Gracchus, his opponents raised the cry that he was asking for a crown, and this report was carried into the Senate. Nasica, the bitterest of the enemies of Gracchus and of his reforms, shouted, "The consul is betraying the republic! Those who would save their country, follow me!" and rushed out from the meeting of the Senate. He was followed by many of the senators, and by their slaves and adherents, those who were not already armed breaking up the benches to make clubs for themselves. The followers of Gracchus, without any

organization among themselves, were unable to offer effectual resistance to the attack, and soon fled in all directions. Tiberius Gracchus attempted to take refuge in the temple of Jupiter, but the priests closed the doors against him, and, stumbling over a bench, he was killed by repeated blows on the head before he could rise. In this riot more than three hundred of the followers of Gracchus were killed by clubs, or by being driven over the wall at the edge of the Tarpeian rock. The hatred toward Tiberius Gracchus, on the part of the special interests of the time, did not end with his murder. Gaius Gracchus was refused permission, which he sought, to bury his brother, and it was decreed by the Senate that the bodies of Tiberius Gracchus and his followers should be thrown into the Tiber before daybreak on the following morning.

Very divergent views have been taken of the conduct of Tiberius Gracchus and that of his opponents by different classes of historians. Historians, equally with politicians, inevitably fall into one of the two classes into which mankind is divided, the class of the radicals on the one hand, or of the conservatives on the other; into the class of those

who favor progress and the recognition of the supreme right of manhood, or into the class of those who wish to keep things as they are, and worship before the shrine of vested interests. No single incident in history better serves to bring out the bias of the historian than does that of the efforts of Tiberius Gracchus in behalf of his agrarian law. No historian can write this page of Roman history without throwing open for the inspection of the world the inmost workings of his mind and sympathies. That class of historians who can see more pathos in the execution of King Louis XVI than in the combined misery of the downtrodden millions who lived and died in France under the two centuries of Bourbon misrule, have attempted to cast upon Tiberius Gracchus the stigma of a demagogue, of a reckless leader, of a violator of his country's most fundamental laws; while the conduct of the leaders of the conservative party, who did not hesitate at the crisis to resort even to murder rather than surrender their unlawful profits, is excused as being rendered necessary by the violence of Tiberius Gracchus.

Yet there are few prominent characters

in whose public actions the impartial critic can find so little to criticize as in that of the greatest of all Roman tribunes—Tiberius Gracchus. At the outset the whole policy of Gracchus was moderate and even conciliatory, and it was only the unyielding selfishness of the great landowners which forced him into a position where he must either surrender all for which he was fighting or adopt a more vigorous plan of campaign; which, finally, against his will, compelled him to adopt those tactics for which he has been so severely censured by certain historians.

The legality of the deposition of Octavius has already been discussed. It only remains to consider the action of Tiberius Gracchus in presenting himself as a candidate for reëlection as tribune. Of the vital necessity for this action, both to secure the enforcement of the agrarian law and the personal safety of Tiberius himself, there can be no doubt. It must be admitted, however, that this by itself is not a sufficient defense of the action of Gracchus on this occasion. The fundamental principles of government in any country cannot, generally, be safely violated merely to meet a temporary exigency.

The worst possible government is generally better, for those who are to live under it, than anarchy; and the condition of a country where laws can be habitually broken with impunity is but one step from that of a country where no laws exist. The breaking of a law with good motives is often more disastrous than the breaking of it with bad intentions; because in a former case an example is set which, being looked upon with approval by a large class of the best people in the community, is apt to furnish a precedent for future violations of the law, with the worst motives and for the most dangerous purposes. No true republic can long continue to exist unless a sense of reverence for and obedience to law is bred into the mass of its citizens. The right of overthrowing a corrupt government and of establishing a new civic system must ever reside with the people; but such a right must be resorted to only as an extreme, exceptional, and desperate remedy, and the frequent recurrence of revolutions and rebellions in a republic results in a substitution of the rule of force for the peaceful rule of the majority, and is inconsistent with any true idea of democracy.

If, then, Tiberius Gracchus had attempted to override the fundamental law of Rome for the purpose of obtaining some temporary personal or partisan advantage he might well have deserved the attacks which have been made upon his memory. Tiberius Gracchus, however, violated no provision of the Roman constitution. No evidence exists that there was ever any law making a Roman tribune ineligible for reëlection.

The prohibition would seem to have arisen from long-continued custom rather than from law, and to have been of a character not unsimilar to the so-called "conventions of the English Constitution," or to the rule in this country that no man shall be elected for a third term as President. If a law declaring a tribune to be ineligible for reëlection was ever enacted in Rome (and with the absence of a full list of Roman laws this is a point on which absolute certainty is impossible) it was, in all probability, of a directory rather than a mandatory character. Such was the character of all Roman laws relative to the qualification of officers. Thus, the Roman laws provided a regular order in which the principal offices at Rome should be held,

and prohibited any person holding any office until he had held all those named before it on the list, and until he had reached a certain specified age.

This law, while in the main followed, was frequently disregarded. The violations were in the main chargeable to the very class at Rome that was most bitter in the denunciation of Tiberius Gracchus for offering himself as a candidate for reëlection as tribune. Under the existing political conditions at Rome no great blame could be attached to an occasional disregard either of the law regulating the qualifications for office or the law, or custom, relative to the reëlection of a tribune. It is only on this one occasion in Roman history that the violation of either of these laws was denounced as an attack on the Roman constitution. Even in the exciting days preceding the passage of the Licinian Laws the tribunes Licinius and Sextius were reëlected year after year, without the legality of their election being questioned. Only ten years after the death of Tiberius Gracchus the reëlection to the office of tribune of his brother, Gaius Gracchus, was permitted. It is a striking comment upon the fairness of

some of the historians who attack Tiberius Gracchus for his alleged violation of the law that they are able to find excuses for the action of that branch of the senatorial party whose members were so unwilling to surrender to the state their illegal profits that they resorted to force to break up a meeting of the comitia tributa and to murder Gracchus and three hundred of his adherents.

The years which intervened between the tribuneship of Tiberius Gracchus and that of his brother Gaius were filled with internal factional discord at Rome, but without any decisive results. Each party, in turn, was able to secure revenge upon its opponents, in the conflict connected with the death of Tiberius Gracchus. First, the popular party was successful in compelling Nasica to retire from Italy. Next, in 132 B.C., the Senate gave to the consuls a commission to inquire into the actions of those who had supported Tiberius Gracchus. By means of this commission the aristocratic party was enabled to bring about the execution of some of the partisans of Gracchus and the exile of others.

For the time the leadership of the popular party had passed to C. Papirius Carbo, a

man possessed both of the ability and the vices of the successful demagogue. He was one of those politicians who are always to be found in the forefront of every movement for liberty or reform, and who, by their hypocrisy and selfishness, do more to bring discredit upon the principles they champion than can possibly be done by the ablest of the opponents of such principles. No greater contrast can be imagined than is to be found in a comparison between Tiberius Gracchus and Carbo. In the case of the former we see a devotion to principle and to humanity which not even the fear of death could alter; in the case of Carbo, on the contrary, we can discover nothing but a striving for selfish ends and personal advancement. He appeared as a radical among radicals when this attitude seemed to offer the shortest road to fame and fortune; and with equal facility he became the most abject tool of the senatorial party when such a change of position seemed most likely to result to his personal benefit.

Being elected a tribune, Carbo set himself to win the favor of the people by new popular legislation. He introduced and secured the

passage of a bill extending the use of the ballot into the legislative assemblies of the people. His next measure, one to formally authorize the reëlection of tribunes, was defeated. Gaius Gracchus made his first public speech in support of this measure.

The work of the Agrarian Commission, in the meantime, had been progressing in spite of the murder of Tiberius Gracchus and the obstacles which the great landowners were constantly throwing in the way of the commission. The Roman census shows that in the six years from 131 to 125 B.C. the number of burgesses was increased by seventy-six thousand; this increase was almost entirely due to the operation of the agrarian law, and the work of the commission.

The vacancy in the Agrarian Commission made by the murder of Tiberius Gracchus had been first filled by the election of P. Licinius Crassus, father-in-law of Gaius Gracchus. Upon the death of Crassus, and of Appius Claudius a few years later, these commissioners were succeeded by Carbo and Fulvius Flaccus, the latter being the senator who had attempted to warn Tiberius Gracchus of his danger, on the day of his death.

Carbo, for the time the guiding spirit of the commission, attempted to win additional popularity by a vigorous policy in carrying out the agrarian law. Energetic action along this line was undoubtedly needed, as the great landowners had in many ways succeeded in blocking the work of the commission. The policy of Carbo, however, was that of the demagogue rather than that of the statesman, and the result of the methods which he adopted was a reaction which, for a time, completely put a stop to the work of the commission, split the popular party, and created a new political party or faction whose existence had an important influence upon the course of Roman political history during the next two generations.

The first step taken by Carbo was the publication of a proclamation calling for information against owners of public land who had not voluntarily registered themselves as such. In theory such a proceeding was undoubtedly a proper mode of procedure against the large holders of public lands who were endeavoring to evade the agrarian law; but in practice it resulted in a great deal of hardship. Many of the good land titles

throughout all Italy were without sufficient documentary proof; and many landowners, whose land was private, were yet at a loss for evidence to prove that their land was of this character when information against them was filed with the commission.

The situation was a most delicate one, and one requiring the exercise of the highest degree of honesty, tact, good judgment, and diligence. None of these qualities was possessed by Carbo. The commission acted in the most arbitrary manner and apparently declared a great deal of private land to belong to the public. The injustice seems to have been practiced not so much against the great landowners (Carbo appears even as early as this to have been falling under the influence of the aristocratic party) as against the small Latin and Italian landowners. The result was that the Latins and Italians, who had been among the truest of the adherents of Tiberius Gracchus, now became alienated from the Roman popular party under the leadership of Carbo, and began to come under the influence of the senatorial party.

Politics made strange bedfellows two thousand years ago as well as now, and the new

turn of the wheel of Roman politics brought in Scipio Africanus as the head of the Latins and Italians, and working in harmony with the Senate.

The first action taken by Scipio was to introduce and secure the passage of a law taking away from the Agrarian Commission the judicial power by which it was enabled to decide questions as to the public or private character of lands and vesting such power in the consuls. This judicial power was then vested in the consul C. Sempronius Tuditanus; but he being soon sent to Illyria to conduct a military campaign against the Iapydes, no person was left in Rome with the power to settle questions of this character. The work of the Agrarian Commission was now brought to a stop, and no further reassumption or allotting of public lands could take place. Thus the great landowners were finally successful in destroying the effect of the agrarian legislation of Tiberius Gracchus.

As this result began to make itself manifest, so great criticism arose against the action of Scipio that he felt called upon to announce that he would explain and defend his actions both before the Senate and before

the people. In his speech before the Senate he carefully evaded all reference to the case of the great landowners who still continued illegally to hold large tracts of the public lands, and proclaimed his purpose to be to protect the Latin and Italian farmers whose small holdings of land were being wrongfully taken from them by the actions of the Agrarian Commission. These small farmers, sympathy for whom Scipio thus attempted to arouse, thus occupied the position held by those widows and orphans who to-day appear so prominently among the stock-holders of all law-breaking corporations.

The speech of Scipio was naturally well received in the Senate; what its reception would have been on the second day, before the people in the Forum, is problematical. On the morning following his speech in the Senate Scipio was found dead in his bed. It is one of the unsolved mysteries of history whether Scipio died from natural causes or was murdered. Nor is it more certain, if he was murdered, as to who his murderers were. Strong suspicion was directed against Carbo, and that hypocritical demagogue was driven into a temporary political retirement, from

which he emerged a few years later as one of the most serviceable tools of the senatorial party.

The importance, ability, and character of Scipio Africanus have been greatly over-praised by most historians. A. H. Beesly, however, in his work *The Gracchi, Marius and Sulla*, gives a discriminating criticism of this Roman general and statesman:

"He is usually extolled as a patriot who would not stir to humour a Roman rabble, but who, when down-trodden honest farmers, his comrades in the wars, appealed to him, at once stepped into the arena as their champion. In reality he was a reactionist who, when the inevitable results of those liberal ideas which had been broached in his own circle stared him in the face, seized the first available means of stifling them. The world had moved too fast for him. As censor, instead of beseeching the gods to increase the glory of the State, he begged them to preserve it. Brave as a man, he was a pusillanimous statesman. It was well for his reputation that he died just then. Without Sulla's personal vices he might have played Sulla's part as a politician, and his atrocities in Spain as well as his remark on the death of Tiberius Gracchus — words breathing the very essence of a narrow swordsman's nature — showed that from bloodshed at all events he would not have shrunk. It is hard to respect such a man in spite of all his good qualities.

Fortune gave him the opportunity of playing a great part, and he shrank from it. When the crop sprang up which he had himself helped to sow, he blighted it. But because he was personally respectable, and because he held a middle course between contemporary parties, he has found favour with historians, who are too apt to forget that there is in politics, as in other things, a right course and a wrong, and that to attempt to walk along both at once proves a man to be a weak statesman, and does not prove him to be a great or good man."

The fillers in, who had occupied the stage of Roman politics for the years following the murder of Tiberius Gracchus, were now removed, and the stage was being rapidly set for the second and final act of the great historical tragedy of the Gracchi.

The political problems which confronted Rome at the time of the death of Scipio rapidly reached such an acute state that it became evident the solution of these problems, and the preservation of the Roman republic, must be the work of a Man, not of a manikin or a demagogue. At this crisis Rome was blessed with the best of fortune, only to be immediately thereafter cursed with the worst of misfortune. The good fortune consisted in the fact that at this time the

man presented himself for the work; the bad fortune arose from the refusal of Rome to avail herself of his work.

The agitation of Carbo had added to the bitter contest between rich and poor, and one perhaps still more bitter, at least temporarily, between Romans and Italians. An attempt was made to reconcile the differences between the Romans and Italians by means of a compromise, by the terms of which the Italians were to consent to the carrying out of the Agrarian Law, and in return were to be admitted to Roman citizenship. This last proposal was viewed with great alarm by the Roman proletariat, most of whom were by this time possessed of nothing in the world except the rights and privileges of Roman citizenship, and who saw that the value of such rights and privileges would be greatly diminished by the great increase now proposed in the number of those by whom such rights and privileges were to be enjoyed.

The Italians, on their side, delighted at the prospect of obtaining these rights, began to come to Rome in great numbers. This migration added fuel to the flame, and in 126 B.C. the tribune, Junius Pennus, proposed

an alien act by which foreigners were compelled to leave Rome. The law was passed, with unpleasant consequences at a later date. For the second time in his life Gaius Gracchus made a public speech, on this occasion appearing on the losing side.

The following year Gaius Gracchus served as quæstor and was sent to Sardinia under the consul Aurelius Orestes. The Senate, and the oligarchical party in general, had by this time come to regard the young Gaius Gracchus with mingled fear and suspicion, and in disregard of the laws he was first ordered to remain a second year in Sardinia, and later to remain a third year.

In the meantime, at Rome, events had been moving rapidly. Fulvius Flaccus, the old friend of Tiberius Gracchus, had been elected consul and had brought in a bill extending the franchise to all the Latin and Italian allies. Shortly thereafter, before the bill had been voted upon, Flaccus had been sent by the Senate upon foreign service, and the bill was sidetracked. The disappointment at such a result on the part of those who were denied the right of suffrage, after they had believed it won, culminated in the

rebellion of the Latin city of Fregellæ. The force with which the city was reduced to submission, and the severity with which the outbreak was punished, destroyed any further thought on the part of the Latins and Italians of attempting to secure their rights by force, but increased the silent discontent of these people.

It was with these conditions existing at Rome that Gaius Gracchus returned to the city after two and one-half years' absence in Sardinia, defying the Senate by disobeying its order to finish out his third year in the island.

The censors were in office at the time of the return of Gaius Gracchus to Rome, and his enemies succeeded in having him summoned before them immediately to answer for his alleged misconduct in leaving the post to which he had been assigned by the Senate. It was hoped that the censors could be induced to denounce him, which action would have rendered him ineligible to hold public office. Gracchus, however, so strongly defended himself in a speech to the people that the censors did not dare take any action against him. In his speech he relied on

the well-established principle of the Roman law at that time, that the Senate had no authority to compel him to serve as quæstor for a longer period than one year. As to his own conduct in the exercise of the office of quæstor he said, "No one can say that I have received a penny in presents, or have put any one to charges on my own account. The purse which I took out full I have brought back empty; though I could name persons who took out casks filled with wine and brought them home charged with money."

Upon his acquittal Gaius Gracchus became a candidate for the office of tribune, and was elected, in spite of the most strenuous opposition of the senatorial party and of the great landowners. However, the opposition to him was so strong that, in the number of votes received, he stood only fourth in the list of successful candidates.

Before entering upon the work of Gaius Gracchus as Roman tribune it is admissible to stop for a moment to compare the characters, natures, and abilities of Tiberius and Gaius Gracchus. The general judgment of history seems to assign a far higher place to Gaius Gracchus than to his elder brother.

How far such a view is correct is certainly questionable. It is a view based largely upon the longer term of office, the more spectacular reforms, and the more dramatic death of the younger brother. Without detracting in any degree from the high character and motives, and the wonderful ability, of Gaius Gracchus, it may still be said that the higher niche in the temple of history more properly belongs to Tiberius.

To Tiberius belongs that special honor which properly attaches itself to the pioneer; perhaps, most of all, to the pioneer in the field of political, social, or economic reforms. In the case of Tiberius, his career was deliberately entered upon, as the result of his profound study and keen observation, acting upon his naturally strong Roman patriotism, hatred of wrong and oppression, and sympathy for humanity. Whether the career of Gaius would have taken the direction which it did but for the memory and influence of his brother, is problematical. It is certain that the strongest motive which urged him onward in his career as tribune was the all-mastering desire and determination to avenge the murder of his brother, and to vindicate

his memory by carrying his measures through to a triumphant conclusion. It might almost be said that the mainspring of the career of Tiberius was his love for Rome, while the mainspring of the career of Gaius was his love for his brother.

Tiberius Gracchus was the greater statesman; Gaius Gracchus the better politician. Tiberius could see more clearly the great outlines of what lay at a distance; Gaius could discern more exactly the details of what was close at hand. If the political activities of the two brothers could have been at the same time, each would have supplemented the other, and it is possible that their combined efforts might have been sufficient to secure the accomplishment of their purposes.

In many respects Gaius Gracchus surpassed his brother in ability. The younger brother is generally conceded to have been the greatest orator who, up to that time, had ever lived in Rome; while Cicero, unfriendly both to Gaius Gracchus personally and to his measures, lamented his early death as a loss to Roman literature. It is also probable that Gaius was superior to his brother in

executive ability and in his wonderful capacity for hard work. Against that must be set the greater vision displayed by Tiberius Gracchus, in the character and details of his proposed reforms. There was nothing in the measure proposed by the elder Gracchus which conflicts with either justice, the soundest principles of statesmanship, or of political economy; nor was there any feature which seemed to have been inserted in those measures merely as a bid for popularity or for votes.

Unfortunately, as much cannot be said for the reforms of Gaius Gracchus; some of the provisions of the laws which he proposed were unsound in theory and dangerous in practice, and were probably brought forward merely as a bid for popularity. Provisions of this character were not numerous enough, or important enough, to detract from the general merit of the reforms proposed by Gaius Gracchus, but their presence in his bills would seem to indicate on his part a less comprehensive grasp of political principles than that possessed by his brother.

It is a striking illustration of the irony which fate sometimes makes use of, that the

only part of the measures brought forward by the Gracchi which were permitted to have a permanent influence upon Roman life and history were the questionable measures of Gaius Gracchus.

In their temperaments Tiberius appears the calmer, Gaius possessing the more fiery disposition. Tiberius, throughout his career, continued to exercise the highest degree of control over both his feelings and his actions. While fighting for principles which he believed essential to the safety and welfare of Rome he manifested surprisingly little animosity toward his opponents. Even in the deposition of Octavius he seems to have been free from personal malice, as is indicated by his attempt to secure a reconciliation with his brother tribune after seventeen out of the necessary eighteen tribunes had voted in favor of the deposition of the latter.

Gaius, embittered by the murder of his brother Tiberius, developed a hatred toward his opponents which time never healed. Patience and judgment led him to bide his time and prepare for the contest which he considered as fated, and for the revenge upon which he was determined.

His character might be fitly described in the words of Thomas Moore as one of those

> "Spirits of fire, that brood not long,
> But flash resentment back for wrong;
> And hearts where, slow but deep, the seeds
> Of vengeance ripen into deeds."

The desire to avenge the death of his brother was indeed the central idea of Gaius Gracchus throughout his whole political career. It is when we look at his work from this viewpoint that much which appears contradictory or obscure becomes easy to appreciate and understand.

One of the first steps taken by Gaius Gracchus in the reform campaign undertaken by him was an attempt to divide the ranks of those who had opposed his brother. The oligarchical party had for many generations been composed of two different elements united for mutual protection, but whose interests, in many respects, were mutually antagonistic. The object of Gracchus was to break the political union between the two factions by arousing the points of antagonism.

The two elements in the aristocratic party above referred to were the senatorial families and the wealthy mercantile interests. The

general line of demarcation between the two classes was the distinction between the aristocracy of money and the aristocracy of birth, generally to be found wherever aristocracies exist. The senators, with few exceptions, were recruited from the old families which had been prominent in Rome for generations and even for centuries. The majority of the members were of patrician descent, but the distinction between patrician and plebeian was now of little, or no, practical importance. Some of the senatorial families were wealthy, others were not; where wealth was possessed it generally consisted of large landed estates. All members of the Senate, whether rich or poor, were possessed of valuable political rights and opportunities.

The other element of the aristocracy included the merchants and speculators, who had control of the financial affairs of the city and of the government, and who had been rapidly accumulating large fortunes, during the period which had elapsed since the Punic Wars. Gracchus played for the support of this element at the same time that he assailed the power of the Senate.

By the terms of the Calpurnian Law,

passed in 149 B.C., it had been provided that all provincial magistrates accused of dishonesty in their administration should be tried before the prætor peregrinus and a jury selected from the Senate. It was now voted that the jury should be taken not from the Senate but from a body of three hundred men selected from all Roman citizens who possessed the amount of property which entitled a person to be enrolled among the equites. From the standpoint of judicial reform the fairness of this act could not be questioned. However gross might have been the misgovernment of any provincial Roman official, it was generally impossible to secure a conviction before a senatorial jury. As one historian (Liddell) sums up the matter:

"These courts had given little satisfaction. In all important cases of corruption, especially such as occurred in the provinces, the offenders were themselves senators. Some of the judges had been guilty of like offences; extortion was looked upon as a venial crime; prosecutions became a trial of party strength, and the culprit was usually absolved."

Equally important in the eyes of Gaius Gracchus, to the judicial reform thus effected, was the effect which the law had toward

raising the equites to a position where, as an order, they would be a formidable rival to the Senate. As a further bid for the support of the moneyed aristocracy as against the old landed aristocracy and the aristocracy of birth, Gracchus, in providing for the levying of new taxes in the province of Asia, proposed the innovation of having the tax farmed out at Rome, instead of in the province itself.

Another law did away with an old established abuse in the assignment of provinces by the Senate to pro-consuls. Heretofore, each consul had had his province assigned to him after his election, and the most desirable provinces had therefore fallen to those toward whom the Senate was the most friendly. It was now decreed that the provinces for the two consuls for each year should be assigned before the election of the consuls, and that the consuls should determine, either by agreement or by lot, which of the two provinces should fall to each.

The first of the economic measures of Gaius Gracchus was one to renew and extend the agrarian law of his brother. In connection with this law the right to decide whether land

was public or private was once more given to the Agrarian Commission, and provisions were also made providing that new colonies should be founded in different parts of Italy and also in the provinces. The carrying into execution of this last provision was to be postponed until the following year. The proposal to found colonies beyond the limits of Italy marked an innovation both in Roman law and in the economic habits and customs of the Romans.

Another law provided that the Roman government should undertake the work of providing grain for its citizens; that every person possessing the Roman franchise should have the right of purchasing grain from the government at the price of six and a third asses per modius (the set price being far under the market value); and that the losses sustained in this grain trade should be taken out of the public treasury. Of all the proposed reforms of the Gracchi this is the least defensible, and the one which had the greatest influence upon the future. Lord Macaulay, in the course of his speech made on the third reading of the great English Reform Bill of 1832, said:

"The defect is not in the Reform Bill, but in the very nature of government. On the physical condition of the great body of people government acts not as a specific, but as an alterative. Its operation is powerful, indeed, and certain, but gradual and indirect. The end of government is not directly to make the people rich, but to protect them in making themselves rich—and a government which attempts more than this is precisely the government which is likely to perform less. Governments do not and cannot support the people. We have no miraculous powers—and we have not the rod of the Hebrew lawgiver—we cannot rain down bread on the multitude from Heaven—we cannot smite the rock and give them to drink. We can give them only freedom to employ their industry to the best advantage, and security in the enjoyment of what their industry has acquired."

The fundamental principles of the science of government and political economy, so forcibly expressed by Lord Macaulay on this occasion, and which must be both understood and applied by every successful lawmaker, were throughout his career thoroughly realized by Tiberius Gracchus, and were also generally appreciated by his younger brother. On this occasion, however, Gaius Gracchus lost sight of, or recklessly disregarded, all the basic principles of the true science of government or economics. If it

became the permanent policy of Rome to provide food for a great proportion of her citizens, this could only result finally in their permanent pauperization. The effect of this law was certain to be the opposite of that sought by the agrarian laws of the two Gracchi.

The object of the latter laws was to bring the Roman citizens, or as many of them as possible, "back to the soil"; to develop once more that race of hardy Roman peasants, whose arms had won the great military victories of the Roman republic; and to reduce both the numbers and the influence of the unemployed and dangerous proletariat of the city. The law as to the sale of grain was not only certain to have an influence in an exactly opposite direction to that which would be exerted by the agrarian law, if this latter law could be put into successful operation, but, more than this, the operation of the grain law would render the success of the agrarian law far more difficult and doubtful. The truth of the matter was that the success of the agrarian law was endangered not only by the opposition of the aristocracy but also by the present character of the Roman

proletariat. The course of events at Rome during the previous century and a half had done much to destroy the stamina of the mass of the Roman people; and a life of economic independence, as the result of hard labor in the country, held less attractions for the majority of this class than an easily secured, though meager, living in the city. Anything which rendered life in Rome easier and more pleasant made it so much the harder to induce Roman citizens to settle on the farms. No legislation ever yet passed in Rome had aroused such immediate and universal enthusiasm among the poorer classes at Rome as did this law relative to the sale of grain.

This law, the worst of those proposed by the Gracchi, was destined to have the greatest influence of any of those laws upon the course of development of Roman history. It is a peculiar phenomenon to be observed in the study of the psychology of dishonesty that while the beneficiaries of any system of "graft" will fight to the last extremity against any infringement upon their interests, sometimes even, as was the case with French nobility at the time of the French Revolution,

carrying their resistance to such limits as to involve themselves and their country in a common ruin; nevertheless, it is often easy to induce these favored interests to assist in the establishment of some other system of "graft" for the benefit of certain classes of their opponents.

When a class has become so blinded to the true standard of right and wrong, and of relative values, as to look upon special privileges for the few against the many, and long-continued systems of dishonesty, as "vested interests," it seems to be much easier for them to submit to wrongful exactions from others than to cease from such wrongful exactions themselves. Thus, in the case of the grain laws at Rome, the aristocratic party, unrelenting in their opposition to the agrarian laws of the Gracchi, which would put an end to long-continued robbing of the state and go far toward building up again a class of free yeoman landowners, without opposition acquiesced in the establishment of a system of wholesale exploitation of the state for the maintenance at the public expense of a lazy, worthless, and corrupt mob.

The fatal idea contained in the grain law,

having obtained a foothold in the Roman policy, rapidly developed. Fifty years after the law of Gaius Gracchus it was necessary to limit the amount of grain which could be purchased by any one citizen to five modii (about one and a quarter bushels) per month; at this period forty thousand citizens were regular purchasers of grain from the state. At a little later period it was provided that five modii per month should be given without charge to such citizens as might require it. At one time the number of Roman citizens receiving this free allowance of grain rose to three hundred and twenty thousand. The Emperor Augustus fixed the maximum number to whom such allowance should be given at two hundred thousand.

The permanent and continuing effect of these grain laws was to further demoralize free labor in Italy and the character of the Roman citizen, and to bring about a constantly increasing use of slave labor in agriculture and of mercenaries in war.

One of the minor laws introduced by Gaius Gracchus was that which fixed the minimum age for military service at seventeen, and provided that the uniform and arms of

the soldiers should be furnished by the state.

A more important law, and one whose object was both to better economic conditions and to strike at the power of the Senate, was a law calling for large expenditures for the purpose of improving the roads through Italy and building new roads, and which gave the complete management of such work to the tribunes. Previously, the control of all public works and improvements had been in the hands of the censors, subject to the supervision of the Senate.

It was to the carrying out of this last-mentioned law that Gaius devoted his greatest energies during the year of his first tribuneship. The improvement of the commercial roads throughout Italy was a work which all classes in the community must approve; and even the enemies of Gracchus could but praise the executive ability and the untiring energy with which he supervised the carrying out of the work.

The great system of internal improvements undertaken this year, however, attracted to Rome a great multitude of people from all parts of Italy, and tended to accentuate the bad feeling on the part of the mass

of the Roman citizens toward the Italians.

Gaius Gracchus was, for the time, the complete master of the political situation. In the consular election of 123 B.C. he was able to secure the election of C. Fannius, an old friend and supporter of his brother, and the defeat of L. Opimius, the candidate of the senatorial party. The position of tribune had now become of such dignity and importance that Fulvius Flaccus, although he had already held the office of consul, presented himself as a candidate for this office in the election of this year.

Gracchus did not present himself as a candidate for reëlection on account of the law, or custom, against reëlection to this office. However, he was reëlected tribune this year, although the manner in which his reëlection was brought about is not very clear to us. The Roman historians say that as a sufficient number of candidates did not present themselves to fill all the positions of tribunes, the comitia tributa reëlected Gracchus under the law which gave them the right to reëlect a tribune under such conditions.

This is the only occasion upon which we hear anything of this law, and we have no

knowledge as to when it was passed, or as to what were its exact provisions. Some writers, of that school of historians hostile to the work of Tiberius Gracchus, hint that a law authorizing the reëlection of tribunes, under the peculiar circumstances above mentioned, must have been enacted since the death of Tiberius Gracchus. The theory of these writers involves the assumption of the enactment of a law prohibiting the reëlection of tribunes, and then of another law limiting the application of the first law, although we have no evidence as to the passage of either of such laws, and no evidence of their existence, except during the conflicts of the Gracchi.

Upon his reëlection Gaius Gracchus, probably largely through the influence of Flaccus, introduced a bill to extend the franchise to all the Latin colonies and probably to all the citizens of the Italian communities. The measure was that of a patriot and a statesman, but it proved the undoing of its author. The measure failed to pass, and its introduction destroyed a great part of the influence and popularity of Gaius Gracchus.

Trouble and unpopularity next came to

Gaius Gracchus from the colonies which were to be founded during this year. Gracchus entered upon this work in a conservative manner, starting out with only a few colonies, at the outset sending only a few citizens to each colony and admitting no citizen to any of the colonies unless he was of a respectable character.

The Senate, seeing the power of Gaius Gracchus tottering, resolved to destroy him politically by taking away his influence with the people. To accomplish this purpose Marcus Livius Drusus, who also held the office of tribune but who was a man of great wealth and affiliated with the senatorial party, was put forward to outbid Gracchus for the popular approval. In pursuance of this plan Drusus introduced a law for the immediate settlement of twelve colonies, each colony to consist of three thousand families, chosen without regard to their character, and each colonist to hold his land rent free. The passage of this Livian Law, as it was called, marked the close of the control of Gaius Gracchus over the comitia tributa. In the elections of 122 B.C. L. Opimius, the enemy of Gracchus, was

elected consul, and neither Gracchus nor Flaccus was reëlected tribune.

The opponents of Gracchus, however, were not content with having driven him from political power, but were resolved upon depriving him of life as well. An excuse for an attack upon Gaius Gracchus was found in a report from Carthage that the colony founded there by Gracchus had been situated upon ground which had been cursed by Scipio at the time of the destruction of Carthage. Acting upon this report, the Senate directed the tribunes to call a meeting of the comitia tributa for the purpose of revoking the law relative to the colony at Carthage.

Upon the day of the meeting of the tribes one of the followers of the consul Opimius, who had taken occasion to insult Gaius Gracchus, was stabbed by some unknown person. The senatorial party now had the opportunity to secure their prey, and immediately proceeded to accomplish their purpose. The meeting of the comitia tributa was broken up, and a meeting of the Senate called, at which Gracchus was declared a public enemy and the consuls directed to take steps to secure the safety of the republic.

It is outside the purpose of this work to go into the details of the butchery of the next day in which Gaius Gracchus, Fulvius Flaccus, and three thousand of their supporters lost their lives. The charge that Gaius Gracchus had planned to do what Julius Cæsar was to do in the next century, make himself dictator, or emperor, of Rome, is best disproved by the absolute lack of any military preparations on the part of Gracchus, even to the extent of securing his own safety when he knew his life was in constant danger.

Although the friends of Gracchus and Flaccus had gathered together to protect their leaders, they were without either proper arms or any system of military organization, and were cut down, almost without resistance, by the armed forces which had been collected by the consul, Opimius. Mention might be made of the fruitless heroism displayed by some of those friends of Gaius Gracchus who remained true to him to the last; but the flashes of brightness were few, and the day must ever be recorded as one of the darkest in all Roman history.

It was this day that marked the final failure of the last movement which might

have saved and rejuvenated the great Roman republic; it was this day that showed the right of manhood was no longer the highest right in Rome, and that the rule of special and vested interests was now supreme.

The singleness of purpose and openness of character in Tiberius Gracchus leave no opening for speculation or doubt as to the motives from which he acted or the objects which he sought. Both the character and the actions of Gaius Gracchus are more complex than those of his brother, and many historians have doubted the disinterestedness of his agitation for popular rights. The final summaries upon the character of this man, of two recent historians, are as follows:

"The man who originates is always so far greater than the man who imitates, and Caius only followed where his brother led. The very dream which Caius told to the people shows that his brother's spell was still on him, and his telling it, together with his impetuous oratory and his avowed fatalism, militates against the theory that Tiberius was swayed by impulse and sentiment, and he by calculation and reason. But no doubt he profited by experience of the past. He had learned how to bide his time, and to think generosity wasted on the murderous crew whom he had sworn to punish. Pure in life, perfectly prepared for a death to which he considered himself foredoomed,

glowing with one fervent passion, he took up his brother's cause with a double portion of his brother's spirit, because he had thought more before action, because he had greater natural eloquence, and because being forewarned he was forearmed.

"In spite of the labours of recent historians, the legislation of Caius Gracchus is still hard to understand. Where the original authorities contradict each other, as they often do, probable conjecture is the most which can be attained, and no attempt will be made here to specify what were the measures of the first tribunate of Caius, and what of the second. The general scope and tendency of his legislation is clear enough. It was to overthrow the senatorial government, and in the new government to give the chief share of the executive power to the mercantile class, and the chief share of the legislative power to Italians. These were his immediate aims. Probably he meant to keep all the strings he thus set in motion in his own hands, so as to be practically monarch of Rome. But whether he definitely conceived the idea of monarchy, and, looking beyond his own requirements, pictured to himself a successor at some future time inheriting the authority which he had established, no one can say." (Beesly.)

"It is clear that he did not wish to place the Roman Republic on a new democratic basis, but that he wished to abolish it, and introduce in its stead an absolute despotism, in the form of an unlimited tribuneship for life. Nor can he be blamed for it; as, though an absolute monarchy is a great misfortune for a

nation, it is a less misfortune than an absolute oligarchy. Besides this, he was fired with the passion for a speedy vengeance, and was in fact a political incendiary—the author not only of the one hundred years' revolution, which dates from him, but the founder of that terrible urban proletariat which, utterly demoralized by corn largesses and the flattery of the classes above it, and at the same time conscious of its power, lay like an incubus for five hundred years on the Roman commonwealth, and only perished with it.

"Many of the fundamental maxims of Roman monarchy may be traced to Gracchus. He first laid down that all the land of subject communities was to be regarded as the private property of the state—a maxim first applied to vindicate the right of the state to tax the land and then to send out colonies to it, which later became a fundamental principle of law under the empire. He invented the tactics by which his successors broke down the governing aristocracy, and substituted strict and judicious administration for the previous misgovernment. He first opened the way to a reconciliation between Rome and the provinces, and his attempt to rebuild Carthage and to give an opportunity for Italian emigration to the provinces was the first link in the chain of that beneficial course of action. Right and wrong, fortune and misfortune, were so inextricably blended in this singular man and in this marvelous political constellation, that it may well beseem history in this case—though it beseems her but seldom—to reserve her judgment." (Mommsen.)

Much of the criticism of each of these historians is manifestly true; but the charge that Gaius Gracchus contemplated the substitution of the rule of a despot for the rule of the oligarchy seems not to be borne out by the facts.

A true understanding of the policies and objects of Gaius Gracchus can be had only when we start our investigation with an appreciation of the strongest motive which urged him onward. This motive was not, on the one hand, a deep-rooted love and reverence for popular rights (as was undoubtedly the case with his brother Tiberius); nor, on the other hand, was it selfish interest, or the desire to usurp to himself the supreme power in the state. The strongest influence in the life and character of Gaius Gracchus was the desire to be avenged upon the senatorial party for the murder of his brother. His efforts in behalf of popular rights were instigated primarily by the desire to show respect to his brother's memory and to carry out his brother's policies. Upon this hypothesis the life and character of Gaius Gracchus can be easily understood.

CHAPTER VIII

Marius and Sulla

THE Roman government after the death of Gaius Gracchus, while still nominally a republic, had lost all its democratic character and had once more become an oligarchy such as had existed centuries before, during the period of the patrician republic. It was evident, however, that the existing situation could not permanently continue. The oligarchical government is that form of government which from its very nature can never acquire stability. Both democracy and monarchy possess elements of strength which may give to such governments a long continuance of life; the oligarchy, lacking both the strength of foundation of the one and the unity of action of the other, must inevitably be supplanted by a freer or a more restricted system of government. After the fall of Gaius Gracchus the last opportunity for the re-creation in Rome of a truly democratic form of government was lost. It should have been evident to any one who could read the signs of the future that the power

for the time possessed by the senatorial oligarchy would soon be snatched from it, either by the frenzied hand of a mob or by the strong hand of a despot.

Few in Rome at this time, however, seem to have been thinking much about the future. To reactionists or even to conservatives the future is always almost an unknown word; satisfied with the present, or looking back with regret to the past, the supporters of special interests and the votaries of tradition walk backward over the precipice, the near presence of which they will neither see for themselves nor be warned of by others.

A flicker of life on the part of the popular party was seen in an effort by the tribune Decius to indict the former consul Opimius for his part in the murder of Gaius Gracchus and his friends. The defense of Opimius was undertaken by the renegade Carbo. The life of this politician seems an excellent example in proof of the statement that the demagogue seeks the favor of the people only for his own advantage, and that as soon as he has acquired such favor, and has become a person of influence, his next step is to sell himself, now valuable on account of the

political power he has acquired through his hypocrisy toward the people, to the special interests. No better contrast can be found in history between the true reformer and the unprincipled demagogue than is the contrast between Tiberius Gracchus and Carbo. While it is comparatively easy, however, to go back into past ages and to separate the sheep from the goats, and to distinguish between reformer and hypocrite, it is a much harder undertaking to do this with the living politicians. It often happens that the people are too ready to follow the demagogue and to repudiate and ridicule the honest reformer. Striking illustrations of this phenomenon could easily be given from recent American history. The doctrine of the survival of the fittest applies in all sciences, social as well as natural. In all its applications, however, this doctrine is that of the survival of the fittest to meet existing conditions, not the survival of the fittest from the standpoint of absolute merit. With those who attempt to secure the political support of the proletariat of a great city, merit is to a great extent a handicap, and a certain class of vices the greatest advantage.

There are some men naturally so constituted that the doctrine that the end justifies the means can be consistently and safely applied by them in their public life. To this class have belonged most of those men through whom all the greatest victories for liberty and the greatest reforms in this world have been finally achieved. The mass of mankind, however, are incapable of consistently and permanently following the doctrine; and with all men, except the few above referred to, the character of their objects and methods must act and react upon each other. The result is that those seeking reform and honesty in politics, in the main seek to accomplish their purposes by honest methods; while the demagogue, seeking his own interests alone, a hypocrite as to his motives, will never consider as to the honesty of his methods. It is only on exceptional occasions that the honest advocate of popular rights can win the support of the mob by honest methods. Several causes work together to accomplish this result. In the lower economic strata the individual is far more strongly influenced by his own immediate interests than by the permanent

interests of the class to which he belongs. Perhaps it would be too much to expect the contrary.

We have constantly before us to-day the spectacle of men who—loudest in their denunciation of the discrimination which public officials exercise in favor of the special classes and against the common citizen—at election time, in consideration of a few dollars for themselves, exert all their influence in favor of the worst exponents of the system they denounce. By the return, in the form of direct or indirect bribes to a selected few of the proletariat, of a small portion of the money previously illegally or unjustly exploited from the poor, the politicians of the "practical" type are able to secure the assent of the greater portion of the proletariat to the continuation of such exploitation.

Again, the candidate or political leader who intends to carry out his promises is under a disadvantage in comparison with the candidate or leader who does not. There are limitations to what government can accomplish; there are no limitations to what a demagogue can promise. There is no more unfavorable criticism possible upon the lack

of proper intelligence of the majority of the American voters than the character of the promises and the arguments which are received with applause at political meetings of every political party.

This criticism upon the political actions of the poorer classes, economically, by no means indicates that they are the least desirable class of voters in a country, or that a country would be better governed if the ballot were taken away from them. The truth of the matter is that it is mainly by the votes and efforts of the lowest classes in a community (from the standpoint of wealth and social status) that every great reform or popular victory must be achieved. It is at the great crises that the masses are most generally right, and the classes most generally wrong. No phenomenon of history is more clear and more striking than that, at every great crisis of the world's history, the mass of the wealthy and educated classes has been always wrong. Nowhere is this more plainly to be discerned than in the history of our own country. In the Revolutionary days the great mass of the wealth and education in the country was to be found

on the Tory side. At the crisis the concrete question of personal interest prevails over the abstract idea of public welfare; those who are personally satisfied with existing conditions are slow to advocate a change; those who have little to lose find it easier to be courageous. Next to the small nucleus of true reformers, the first adherents of any reform movement are apt to be the discontented and restless elements of the community.

We can see a working example of this phenomenon, many centuries ago, in the brief account which the Bible gives us of the recruiting of the force with which David first offered resistance to King Saul. "David therefore departed thence, and escaped to the Cave Adullam: and when his brethren and all his father's house heard it, they went down thither to him. And every one that was in distress, and every one that was in debt, and every one that was discontented, gathered themselves unto him; and he became a captain over them."

In the case of the demagogue Carbo, we find him, after a violent career as a popular tribune, selling his influence and services to the senatorial party, of which he was

henceforth the most servient tool. He was rewarded for his services to this party by an election as consul, and it was during his consulship (120 B.C.) that the indictment was brought against Opimius. Carbo's influence, coupled with the fear which the murderers of the Gracchi and their followers had left in the minds of the people, was sufficient to secure the acquittal of Opimius. The triumph of Carbo, however, was short-lived. He was himself indicted by L. Licinius Crassus, brother-in-law of Gaius Gracchus, and the manifestation of the feeling against him became so bitter that Carbo was driven to take his own life by poison.

The Roman politicians of the next few years, the Metelli, Æmilius Scaurus, and others, left little impress upon the course of Roman history, and their lives and triumphs are of little interest to us. Their aims were of a strictly personal character, their civic work was of a routine character; if they did little harm to the state, they conferred no benefit upon it.

The most important event of the closing years of the second century before Christ was the famous, or rather infamous, Jugurthine

War. The story of this war furnishes the final evidence as to the corruption and degradation of Roman politics and officials at this time. This war arose out of a disputed succession to the throne of Numidia. Jugurtha, at first the friend and ally of Rome, after he had secured possession of the whole country through the murder of his two rivals, his cousins, found himself at last at war with Rome. The fortune of war going against him, he secured an advantageous peace by bribing the Roman general. The facts relative to this peace becoming known at Rome, Jugurtha was summoned to appear at Rome to give his account of the proceedings. His history, during this famous visit to Rome, is thus related by the Roman historian Sallust:

"During the course of these proceedings at Rome, those whom Bestia had left in Numidia in command of the army, following the example of their general, had been guilty of many scandalous transactions. Some, seduced by gold, had restored Jugurtha his elephants; others had sold him his deserters; others had ravaged the lands of those at peace with us; so strong a spirit of rapacity, like the contagion of a pestilence, had pervaded the breasts of all.

"Cassius, when the measure proposed by Memmius

had been carried, and whilst all the nobility were in consternation, set out on his mission to Jugurtha, whom, alarmed as he was, and despairing of his fortune, from a sense of guilt, he admonished 'that, since he had surrendered himself to the Romans, he had better make trial of their mercy than their power.' He also pledged his own word, which Jugurtha valued not less than that of the public, for his safety. Such, at that period, was the reputation of Cassius.

"Jugurtha, accordingly, accompanied Cassius to Rome, but without any mark of royalty, and in the garb, as much as possible, of a suppliant; and, though he felt great confidence on his own part, and was supported by all those through whose power or villainy he had accomplished his projects, he purchased, by a vast bribe, the aid of Caius Bæbius, a tribune of the people, by whose audacity he hoped to be protected against the law, and against all harm.

"An assembly of the people being convoked, Memmius, although they were violently exasperated against Jugurtha (some demanding that he should be cast into prison, others that, unless he should name his accomplices in guilt, he should be put to death, according to the usage of their ancestors, as a public enemy) yet, regarding rather their character than their resentment, endeavoured to calm their turbulence and mitigate their rage; and assured them that, as far as depended on him, the public faith should not be broken. At length, when silence was obtained, he brought forward Jugurtha, and addressed them. He detailed the misdeeds of Jugurtha at Rome and in Numidia,

and set forth his crimes towards his father and brothers; and admonished the prince 'that the Roman people, though they were well aware by whose support and agency he had acted, yet desired further testimony from himself; that, if he disclosed the truth, there was great hope for him in the honour and clemency of the Romans; but if he concealed it, he would certainly not save his accomplices, but ruin himself and his hopes forever.'

"But when Memmius had concluded his speech, and Jugurtha was expected to give his answer, Caius Bæbius, the tribune of the people, whom I have just noticed as having been bribed, enjoined the prince to hold his peace; and though the multitude who formed the assembly were desperately enraged, and endeavoured to terrify the tribune by outcries, by angry looks, by violent gestures, and by every other act to which anger prompts, his audacity was at last triumphant. The people, mocked and set at naught, withdrew from the place of assembly, and the confidence of Jugurtha, Bestia, and the others whom this investigation had alarmed, was greatly augmented.

"There was at this period in Rome, a certain Numidian named Massiva, a son of Gulussa and grandson of Masinissa, who, from having been, in the dissensions among princes, opposed to Jugurtha, had been obliged, after the surrender of Cirta and the murder of Adherbal, to make his escape out of Africa. Spurius Albinus, who was consul with Quintus Minucius Rufus the year after Bestia, prevailed upon this man, as he was of the family of Masinissa, and as odium and

terror hung over Jugurtha for his crimes, to petition the senate for the kingdom of Numidia. Albinus, being eager for the conduct of a war, was desirous that affairs should be disturbed, rather than sink into tranquillity; especially as, in the division of the provinces, Numidia had fallen to himself, and Macedonia to Minucius.

"When Massiva proceeded to carry these suggestions into execution, Jugurtha, finding that he had no sufficient support in his friends, as a sense of guilt deterred some and evil report or timidity, others from coming forward in his behalf, directed Bomilcar, his most attached and faithful adherent, to procure by the aid of money, by which he had already effected so much, assassins to kill Massiva; and to do it secretly if he could, but if secrecy should be impossible, to cut him off in any way whatsoever. This commission Bomilcar soon found means to execute; and, by the agency of men versed in such service, ascertained the direction of his journeys, his hours of leaving home, and the times at which he resorted to particular places, and, when all was ready, placed his assassins in ambush. One of their number sprang upon Massiva, though with too little caution, and killed him; but, being himself caught, he made at the instigation of many, and especially of Albinus the consul, a full confession. Bomilcar was accordingly committed for trial, though rather on the principles of reason and justice than in accordance with the law of nations, as he was in the retinue of one who had come to Rome on a pledge of the public faith for his safety. But Jugurtha, though

clearly guilty of the crime, did not cease to struggle against the truth, until he perceived that the infamy of the deed was too strong for his interest or his money. For that reason, although at the commencement of the proceedings, he had given fifty of his friends as bail for Bomilcar, yet thinking more of his kingdom than of the sureties, he sent him off privately into Numidia, for he feared that if such a man should be executed, his other subjects would be deterred from obeying him. A few days after, he himself departed, having been ordered by the senate to quit Italy. But, as he was going from Rome, he is said, after frequently looking back on it in silence, to have at last exclaimed that 'it was a venal city, and would soon perish, if it could but find a purchaser.'"

Upon the resumption of the war with Jugurtha the Romans at first met with a great disaster, the army under Spurius Albinus being defeated and compelled to pass under the yoke and withdraw from Numidia. The result of this defeat was a sweeping investigation of the wholesale bribery of Roman officials by Jugurtha. Many, though not all, of those guilty in this respect were punished by banishment. The conduct of the war was now delegated to Q. Cæcilius Metellus, by whom it was soon after brought to a successful termination. This result, however, was due less to the military genius of Metellus

than to that of his lieutenant Gaius Marius, who immediately afterwards became the central figure in the political arena at Rome.

Marius was born near Arpinum about 157 B.C. of peasant parents. Abandoning agriculture for the army, at a very early age he had won distinction not only for personal strength and courage but also for military ability. As early as the year 132 B.C. Scipio Africanus, once being asked by a flatterer where a general could be found to fill his place, touched the arm of Marius, who happened to be present on the occasion, and answered, "Perhaps here." It was not only in the field of war but also in that of politics that Marius had won a reputation before the time that he served under Metellus against Jugurtha. Being elected tribune in 119 B.C., his actions, upon some unimportant controversies which arose during the year, had been such as to show the determination and ferocity of his disposition, and to win the favor of the populace and the distrust of the senatorial party. Through the influence of the aristocracy Marius was defeated for both the ædileships, but was finally elected prætor in 115 B.C.

It was while he was serving under Metellus in Africa that Marius became a candidate for the consulship. The idea of Marius as consul was very distasteful to Metellus, who permitted Marius to leave the camp for Rome only twelve days before the day set for the election. Marius, by almost superhuman exertions, succeeded in making the journey to Rome in the first six of these days, and in the remaining six conducted a successful campaign for the consulship.

The election of Marius to the consulship marks the beginning of the last age of the Roman republic. With Marius began the habitual rule of might rather than of right; rule by armies, instead of rule by majorities. For something over half a century power at Rome was to be shuffled backward and forward between different military commanders, until finally a military despot arose strong enough both to overthrow the oligarchy and to put down the mob. The manner in which the Romans had abstained from internal violence for centuries, during all the heat of so many bitter political and class contests, is one of the wonders of ancient history. The aristocracy first broke

this rule by resorting to force to block the reforms of the Gracchi. Such a procedure must always be a two-edged weapon, and Marius was the man fated to turn the sword against those who first drew it in Roman politics. The very election of Marius as consul (107 B.C.) was the occasion of much disquietude to the oligarchy.

Although the consulship had at this time, in theory, been for two hundred sixty years open to all Roman citizens, nevertheless, in practice, it had, with occasional exceptions, been confined to the members of the few great families. In fact, so general had this become that a man who was the first of his family to be elected to this office was known as a "new man." Not only was Marius a "new man," but his immediate ancestors, in all probability, were men lower in the social and economic scale than had been the father and grandfather of any previous Roman consul. If the rise of Marius was a source of danger to the senatorial party, the qualities which had rendered his success possible were a source of danger to the whole community. Marius was and had been a soldier, and a soldier only. There is nothing in his whole life

to indicate that he combined with the attributes of the general any of those of the statesman, as did Cæsar and Napoleon. The same fighting qualities which brought to him success in war likewise produced success in politics, and the same ferocity of disposition was manifested in both fields.

The military ability of Marius, in connection with the peculiar circumstances of the times, soon secured to this general a more absolute control of the Roman community than had previously been possessed by any consul of Rome. The military ability of Marius has never been disputed either by his contemporaries or by later historians. His military successes after his election to the consulship were rapid and decisive. Where his predecessors had failed, Marius succeeded in the Jugurthine War, and the year 104 B.C. witnessed at Rome the triumph of Marius, with the craftiest, ablest, and most unscrupulous of African kings walking in chains as a captive in his train.

Of greater importance and benefit to Rome were the great victories won by Marius over those terrible invaders, the Teutones and the Cimbrians, who had been threatening Rome

and harassing northern Italy for a number of years. In 102 B.C. the Teutones were defeated by Marius at the battle of Aquæ Sextiæ, where the number of the vanquished who were killed is variously estimated at from one hundred twenty thousand to two hundred thousand. The following year, during the fifth consulship of Marius, the Cimbrians were practically annihilated, sixty thousand being captured and sold as slaves and the remainder of the vast host, with few exceptions, killed.

The second century before Christ thus closed with brilliant foreign victories for the Roman arms. This close likewise saw the beginning of another period of slave insurrections and civil war. As before, the principal resistance by the slaves occurred in the island of Sicily. The immediate cause of this insurrection was the neglect or refusal of the Roman prætor in Sicily to obey a decree of the Senate. So great a scandal had arisen from the continued actions of the Roman tax collectors in the East in seizing and selling into slavery persons who failed to pay the exorbitant taxes demanded from them that the Senate passed a decree providing

that all persons illegally held as slaves should be immediately released. This decree would have affected so many slaves in the island of Sicily that the prætor suspended its operation. The slaves, rendered desperate by seeing this promised liberty snatched from them, once more rose in rebellion.

Again the slaves were commanded by able leaders, and again they won a number of victories over Roman armies before they were finally put down.

"The revolt was thus apparently suppressed, yet many years the disturbances continued, and there were innumerable local insurrections, causing great carnage and unspeakable misery. A Roman knight, Titus Minucius, harassed by debt, and annoyed by the importunities of his creditors, through revenge incited an insurrection, and placed himself at the head of three thousand slaves. A bloody battle ensued before he was put down. Soon after this, two very able slaves, Sabrius and Athenio, headed revolts. Their forces were marshaled in well-disciplined bands, and for some time they successfully repelled all the power Rome could bring against them. Several Roman armies were defeated with great loss, and the whole island was surrendered to blood and violence. The poorer class of the free inhabitants availed themselves of the general confusion to indulge in unrestrained license and devastation. This insurrection became so

formidable, that again Rome was compelled to rouse her energies. A consular army was sent, which drove the insurgents into their strongholds and then subdued them by the slow process of siege. The carnage and misery resulting from these servile wars no tongue can tell. The whole power of the Roman empire was pledged to put down insurrections; and though the captives could avenge their wrongs and sell their lives dearly, it was in vain for them to hope for ultimate success.

"A law was passed prohibiting any slave from carrying a warlike weapon. Rigorously was this law enforced. At one time a boar of remarkable size was sent as a present to L. Domicius, then prætor of the island. He inquired who had killed it. On being informed that it was a slave, who was employed as a shepherd, he summoned the man before him, and asked how he had contrived to kill so powerful an animal. The shepherd replied that he had killed it with a boar spear. The merciless Domicius ordered him immediately to be crucified for having used a weapon in violation of the law. This rigor was pursued so unrelentingly, that, for a long period, there were no more revolts!" (Abbott's *History of Italy.*)

The victories of Marius over the Teutones and Cimbrians had been followed by his sixth election to the consulship. This election, however, had not been secured without great difficulty and tumult. The aristocratic party had been consistently the opponents

and enemies of Marius throughout his whole career. The great victories which he had won for Rome, instead of reconciling this class to him, had made them only the more jealous and fearful of him.

By this time Marius had in addition, to a great extent, alienated the lower classes of the Roman citizens. The enmity between the proletariat at Rome and the Italians, which had commenced at the time of the younger Gracchus, had been constantly increasing. Marius had inclined more and more toward the side of the Italians. Like most generals, his thoughts and affections were for his soldiers rather than for the state which he served; and the soldiers over whom Marius had command and with whom he had won his great victories were mainly Italians. The degenerate city mob at Rome no longer desired or was fit for military life, and the safety of Rome and the extension of her territories now rested mainly upon those to whom the rights of her citizenship were denied.

The Italians, probably appreciating both the strength of their position and the injustice of their treatment, were demanding the

rights of Roman citizenship, and in this demand they found a sympathizer in the consul Marius. Immediately after his victories in the north of Italy, Marius, in direct violation of the law, had granted Roman citizenship to one thousand soldiers in his army who had distinguished themselves in the campaign. His excuse was characteristic of the existing conditions and prophetic of the course of Roman history during the succeeding century: "Amid the din of arms, I could not hear the voice of the laws."

During his sixth consulship Marius endeavored to secure the Roman franchise for certain of his soldiers in a more regular manner. The tribunes, Apuleius Saturninus and Servilius Glaucia, secured the passage of a law by which Marius was authorized to grant the rights of Roman citizenship to three persons in every colony which enjoyed the Latin franchise.

The career of the tribune Saturninus is illustrative of the condition of anarchy into which Rome was rapidly drifting. Saturninus was the first of the Roman politicians to rely as a regular practice upon "strong-arm methods" to carry elections. In his first

race for the tribuneship he had brazenly murdered one of the opposing candidates; he had been the principal campaign manager for Marius at the time of his sixth election to the consulship, when the disbanded army of Marius had been distributed among the Roman citizens in the meetings of the comitia tributa in such numbers as to overawe all opposition. Finally, when C. Memmius, a bitter political enemy of his, seemed about to be elected to the consulship, he caused him to be stabbed in the Forum by one of the thugs who constituted his own bodyguard. Saturninus, however, had now reached the point where he stood almost alone. The senatorial party were his natural enemies; the Roman mob had, in the main, fallen away from his support on account of his friendly feeling toward the Italians, and his extreme methods had compelled even Marius to withdraw his support.

Seeing his political power almost gone, Saturninus, in company with his fellow-tribune Glaucia and a band of the ruffians with which Rome was so badly infested at this time, seized the citadel on the capitol and attempted to raise an insurrection

against the republic. The citadel was considered to be impregnable to an attack, but Saturninus and his followers were soon forced into submission by the cutting off of their water supply. The insurgents had surrendered upon the condition that their lives should be spared. Marius, in order to protect their safety, imprisoned them in a large building, known as the Curia Hostilia. The mob, however, climbed to the top of the building, tore off the roof, and murdered all the prisoners by dropping rocks upon them.

For centuries one of the most striking characteristics of Roman political life had been the forbearance with which all political factions restrained themselves from the use of violence. Such a condition of affairs, however, no longer existed, and from the beginning of the first century before Christ the use of force in political controversies at Rome became the rule rather than the exception. The exact reasons for the sudden change of sentiment upon the part of the Roman mob against Saturninus is doubtful. It may have been solely on account of his advocacy of Italian suffrage, or it may have been due to the belief by the mob in the

accusation made by the senators that Saturninus was seeking to make himself king.

The political history of Rome during the first quarter of the first century before Christ was extremely complicated on account of the existence, side by side, of the two great contests,—the one between the aristocratic party and the popular party at Rome; the second, between the Romans and the Italians. Both contests were from this time on to be marked by the most extreme bitterness on both sides, and each soon became a military rather than a political contest.

The complicated system of laws regulating the status of the citizens of the various Italian cities under the Roman republic has already been discussed in previous chapters. It is also to be noted that at an earlier date the political rights of a Roman citizen were of doubtful value and were often refused by Italian cities to which they were offered. This state of affairs no longer existed, and the time had come when all Italians desired and demanded the political rights of the Roman citizen.

The death of Saturninus and the departure of Marius for the East, in 99 B.C., gave an

opportunity for a new set of political leaders at Rome. The first of these politicians to rise into prominence was M. Livius Drusus. Drusus occupied the unique position among the Roman politicians of this period of having attempted to play the role of conciliator between the various conflicting factions. Originally brought forward in political life by the senatorial party with the intention that he should play the part formerly taken by his father at the time of the Gracchian conflicts, and destroy the influence of the popular leaders by outbidding them in their efforts for popular support—he soon went beyond the objects of his sponsors and endeavored to secure real reforms for the benefit of the people and of the state. Some historians would rank Drusus as the best and ablest of all the Roman politicians who lived during the latter part of the republic. It is difficult, however, either to form an accurate opinion of the policies or merits of Drusus or to assign to him his proper niche in history. The accounts which we have of his political activities are conflicting and fragmentary, and his work left few permanent results. The measure for

which he is best remembered was his proposed law to grant the franchise to the Latins and Italians. Together with the increase of the franchise Drusus sought to secure the allotment of land to the needy Roman citizens, and a reform in the method of administering justice and government in Rome.

The franchise law of Drusus secured for him unbounded popularity throughout Italy and bitter opposition at Rome. This opposition in his own city culminated in his assassination in 91 B.C.

The murder of Drusus was the spark which produced the conflagration of the Social War. Losing hope of securing any justice from Rome voluntarily, ten of the Italian tribes, the Samnites, Trentanians, Hirpini, Lucanians, Apulians, Picentines, Vestini, Marrucini, Marsians, and Pæligni banded themselves together and declared war against Rome. The Romans seemed to have been completely taken by surprise. The Roman legates sent to the camp of the Italians were murdered, together with all the Roman citizens upon whom the insurgents could lay their hands, and a policy of extermination was resolved upon. Rome was to be

destroyed, and Italy was to be made into a great republic with Corfinium as its capital. The government of the new republic was modeled after that of Rome. Marsian and Mutilus were chosen consuls for the first year of the new Italian republic.

The war at first went against the Romans and for a while it seemed as if the Italians might even succeed in their scheme for the overthrow and the destruction of Rome. Again the Romans were obliged to look to Gaius Marius for their safety. Marius, who shortly before this time had returned from the East and who had been suffered to hold only a subordinate command during the first year of the war, now being put in control of one of the Roman armies turned the tide of the Italian success by winning the first great victory achieved by the Romans during the war. The sympathy of Marius, however, was so strongly with the demands of the Italians, and his desires so great to bring the war to a close by conceding these demands, that he failed to follow up the success with his accustomed vigor, with the result that a younger general was enabled to rise into prominence.

Lucius Cornelius Sulla had already acquired considerable military reputation from the campaign which he had served in Africa under Marius, and was now in command of one of the Roman armies. Sulla, throughout his whole life, was a consistent adherent of the extreme oligarchical party. Nowhere in his life's history do we find the slightest degree of regard for popular rights, or any opposition to injustice which might rest on the lower classes. With no sympathy for the Italians or the cause which they represented, and possessed with military ability almost equal to that of Marius, Sulla became the military hero of the Social War. Nevertheless, it was soon evident that the Romans themselves would not be able to bring the war to a successful termination. Therefore, by the Julian Law, the Roman franchise was extended to those tribes and cities in possession of the Latin rights, who, in return for the grant of the franchise to themselves, seemed to have willingly assisted in preventing its acquisition by the others. With the aid of the Latins, Sulla was able to compel the subjugation of the Italians, of whom more than three hundred thousand are

reported to have been killed in the short war.

The conclusion of this war, however, brought not even a temporary peace. The Roman sky was overshadowed with clouds both of foreign invasion and internal dissension. In the far East the great Mithridates, king of Pontus, had defeated the Romans, murdered in cold blood eighty thousand Roman citizens whom he had found in Asia Minor, and was preparing to invade Greece, which was only too ready to rise and aid in the overthrow of the hated and oppressive Roman rule.

In the meantime the battle of the Italians, lost in the field, was being renewed at Rome by the Roman politicians of the popular party. Under the leadership of the tribune Sulpicius the popular party was induced to take up the advocacy of the claims of the Italians.

The fear which had been produced in the minds of all Romans by the disquieting news from the East tended to make all classes willing to conciliate the Italians, from whom soldiers for foreign service must mainly be recruited.

By the Lex Plautia-Popiria the very same

privileges were extended to all the Italian allies of Rome that had been extended to a favored few by the Lex Julia. A few cities in Italy, however, mainly those of Grecian origin, declined to take advantage of this law, preferring to retain their local system of self-government rather than become citizens of Rome.

From the standpoint of Roman supremacy the passage of the Lex Plautia-Popiria was the wisest action in the whole course of Roman history. The efforts of years immediately preceding the passage of this act had shown that the citizenship of Rome, as constituted prior to the year 90 B.C., was far too limited to be able to long remain as the base upon which the great pyramid of the Roman foreign possessions should rest. Nevertheless, by the additions made by the Lex Julia and the Lex Plautia-Popiria, it was rendered broad and strong enough to sustain the great weight and bulk of the Roman empire for several centuries.

The Lex Plautia-Popiria, however, fell far short of giving to the Italians the full political influence to which their numbers would entitle them. The number of the new citizens

enrolled by the censors under the provisions of this new act were divided into eight (or perhaps ten) new tribes, instead of being divided among all the existing thirty-five tribes as had been demanded by Sulpicius.

The passage of these laws, however, while it terminated one of the great contests between the Romans and Italians, did nothing toward terminating that between the oligarchical and the popular parties. During the period of the Social War the oligarchical and the popular parties in Rome had been by one common danger united against the combined force of the Latins, but with the close of the war this union was brought to an end. The popular party at Rome was augmented by the masses of the Italians; while with the oligarchical party was associated the aristocracy and nobles of the various Italian cities.

The contest at Rome soon flamed up again over the question as to whom the command against Mithridates should be given. Again the question was settled by force instead of by ballot, Sulla marching to Rome at the head of his army, and Marius, to whom the command of the army had been given by the

vote of the people, being obliged to flee for his life. Many stories are told about the hairbreadth escapes of Marius at this time. It is even related that, being captured in a marsh in Campania, he was taken before the magistrate at Minturnæ and a sentence of death passed upon him; that a Gaul was sent to his cell with the command to cut off his head, but that the barbarian was so frightened by the look in the eyes of Marius, which seemed to flash fire in the darkness of the cell, and by the awful tones in which the old man called out, "Wretch, dare you slay Gaius Marius?" that the Gaul fled from the prison in dismay without executing his command, and that Marius was afterwards released and succeeded in reaching Africa. It is hardly possible, however, in view of the blood which flowed in Rome at the command of Sulla, both at this time and a few years later upon his return from the East, that Marius would have succeeded in escaping death if he had, in reality, been captured by his opponents at this time.

The political situation in Rome was now in the condition where political supremacy depended upon force instead of upon the

ballot; and the rule of the aristocratic party in Rome was destroyed by the departure of Sulla and his army for the East.

The consuls for the year 87 B.C. were Octavius, who belonged to the aristocratic party, and Cornelius Cinna, the friend of Marius, who belonged to the popular party. The latter attempted to once more bring forward the law for dividing the new Italian citizens among all the tribes of Rome, and was deprived of his consulship and exiled by the oligarchy on this account. Civil war now again broke out in Rome, and the city soon found herself threatened from all sides. At one time no less than four distinct and independent rebellious Roman armies were marching against Rome, while the Samnites, always the most vindictive and irreconcilable enemies of Rome, again brought their forces in the field—nominally to aid the popular party, in reality with the hope of being able to finally strike a blow against the very existence of Rome.

Marius, who had fled to Africa, returned to Italy and in connection with Cinna put himself once more at the head of the popular party. No military leader of the aristocratic

party, capable of successfully contending against the veteran leader of the popular party, remained in Italy, and once again the political wheel of fortune revolved in Rome, leaving the oligarchical party at the mercy of Marius.

His recent experiences had embittered the old soldier, and aroused within him a desire for vengeance and for blood which he had never before exhibited in his long political and military life. In dramatic fashion he placed before the eyes of the Roman citizens the ungrateful treatment which he had received in return for the great services he had rendered his country. Clad in the ragged costume of an exile, he led his victorious army to Rome, and, saying with bitterness that "an exile must not enter the city," he waited outside the walls of Rome until the decree of exile against him was formally repealed. If Marius, however, was scrupulous in his observation of the form of the laws prior to his entrance into the city, all his regard for either the form or substance of the law seems to have been lost after such entrance.

Marius and Cinna declared themselves consuls of Rome for the year 86 B.C. without

any election and without even the formality of summoning a meeting of the comitia tributa. Much more serious than this was the disregard which was manifested by Marius and his followers for the life and property of the Roman citizens. For several days Rome was given up to almost indiscriminate plunder and murder by the soldiers in the armies of Marius and Cinna; and after a stop was finally brought to this extra-judicial pillage and murder it was succeeded by a series of prosecutions almost as destructive, and fully as unjust.

It was with these days of slaughter, the most sanguinary and unjust of Marius's whole career, that his life was to end. He was now an old man of seventy, enfeebled by sickness and hardship, and after his desire for vengeance on his enemies had been satisfied there appeared to him nothing left in life worth living for. Reports from the East indicated the military triumph of his great rival Sulla, and the prospect of the speedy return of the leader. To his other worries there was added the belief that the present triumph of his party was but temporary. Finally, overcome by sickness and melancholy,

he took to his bed, and died at the end of seven days. Many believed that he had committed suicide, but the truth of this theory can never be anything but a matter of conjecture.

Of the character of Marius little need be said. He was primarily a soldier, and only incidentally a politician. The debt which Rome owed to the military ability of Marius can hardly be overestimated. It is probable that but for his services the Roman republic might have been destroyed on either of two different occasions.

As a politician Marius exerted little influence on the course of the development of Roman history. The part which he played was rather forced upon him by circumstances and the conditions of the times than one which he himself created. His sympathies throughout were on the side of popular rights and equal justice. He supported the popular party at Rome against the oligarchical party, and was one of the strongest sympathizers with the Italians in their efforts for the Roman franchise. He was the first to draw the sword to protect the rights of the people against the oligarchy, but the

members of the oligarchy had themselves drawn it to overthrow the Gracchi, and force, having been entered into Roman politics, must be met with force, unless the people were willing to surrender all their claims to right and justice and permit the whole control of the state to pass to the aristocracy.

The only real blemish upon the record of Marius is found in the cruel revenge which he took upon his enemies in the last years of his life. Even on this occasion there was something more than mere revenge and cruelty in the policy of Marius. If the control of the popular party in Rome was to be permanent, it was necessary that the aristocratic party should be completely crushed before the return of Sulla from the East.

In concluding the career of Gaius Marius, summaries of his character given by two historians are here inserted:

"'When Caius Gracchus fell,' said Mirabeau, 'he seized a handful of dust tinged with his blood and flung it toward the sky; from that dust was born Marius.' This phrase of Mirabeau's, though a whit rhetorical, is historically true. The patricians were willing to cede nothing to the Gracchi, and they were decimated by Marius. The struggle changed its methods: one fought no more with laws as the only

weapons, but yet more with proscriptions. Marius was the incarnated pleb; as ignorant, pitiless, formidable, he had something of Danton, except that Danton was no soldier." (J. J. Ampère, *L'Empire romaine à Rome.*)

"The judgment pronounced on Marius by posterity is not, like that on many other eminent men, wavering and contradictory. He is not one of those who to some have appeared heroes, to others malefactors, nor has he had to wait for ages, like Tiberius, before his true character became known. Disregarding the conscious misrepresentations of his personal enemies, we may say that he has always been taken for a good specimen of the genuine old Roman, uniting in his person in an exceptional degree the virtues and the faults of the rude illiterate peasant and the intrepid soldier. No one has ever ventured to deny that by his eminent military ability he rendered essential service to his country. Nobody has doubted his austere virtues, his simplicity and honesty, qualities by which, no less than by his genius for war, he gained for himself the veneration of the people. On the other hand, it is universally admitted that as a politician he was incompetent, and that he was only a tool in the hands of those with whom he acted. But morbid ambition and revengeful passion urged him at last to deeds which make it doubtful whether it would not have been better for Rome if he had never been born. He has, therefore, neither deserved nor obtained unmixed admiration; but as his darkest deeds were committed in moments when he was half mad from

sufferings and indignities he had endured, and when perhaps he hardly knew what he was doing, he may, in the opinion of humane judges, gain by comparison with Sulla, who acted from reflection and in cool blood when he consigned thousands to death and enacted the horrid spectacle of the proscriptions." (William Ihne, *The History of Rome.*)

Marius was succeeded as consul by Valerius Flaccus, who had held the same office fourteen years before. The two consuls Cinna and Flaccus now attempted to fulfill the pledges to the Italians, and censors were elected for the express purpose of doing away with the eight (or ten) new Italian tribes and distributing the Italians throughout the whole thirty-five tribes.

Another important law passed at this time was in the nature of a temporary bankruptcy law for the relief of the Roman debtors. By this new law all debtors were enabled to clear themselves of their debts by paying one fourth of the amount owed.

Sulla, in the meantime, had brought to a successful close the war against Mithridates, although, on account of his anxiety to return to Italy as soon as possible, he did not completely crush the king of Pontus, as he could have done easily at this time. Disregarding

the decree removing him from command of the army and appointing his successor, Sulla retained the command of his victorious army and returned with it to Italy, with the express purpose of crushing the popular party, and placed Rome once more completely under the control of the oligarchy.

Even before starting for Italy Sulla had issued a manifesto which showed that no mercy could be expected for his opponents in the event of his success. The Roman Senate at this crisis made a feeble effort to act as a mediator between the rival parties. It sent an embassy to endeavor to dissuade Sulla to desist from his threatened vengeance, while on the other hand it forbade the consuls to make any military preparations to resist. Both parties disregarded the orders of the Senate. Cinna and Carbo, who were at that time the consuls of Rome, began to make large levies of soldiers for the purpose of resisting Sulla upon his return. An attempt by Cinna to lead an expedition to attack Sulla in the East was frustrated by the refusal of his soldiers to leave Italy, and Cinna himself was soon after murdered.

After the death of Cinna, Carbo for some

time remained as the sole consul of Rome. The worst possible use of this undivided power was made by the consul at this period, and his terror at the approach of Sulla was shown by the cruelty with which his enemies in the city were murdered or exiled.

Sulla returned to Italy with only forty thousand soldiers, while the popular party, under Carbo and the younger Marius, a nephew of the veteran general, had secured an army said to have numbered two hundred thousand. The army of Sulla, however, was composed of trained veterans, and that of Carbo and Marius consisted, in the main, of inexperienced recruits.

Soon after his return Sulla was joined by many of the senatorial party, with large levies of soldiers. Among the most notable accessions to the army of Sulla was that led by Cneius Pompey, at that time a youth of only twenty-three years of age but destined later to be the great rival of Julius Cæsar for the first place in Roman politics.

The war from the start went against the popular party, and its final outcome can hardly be said to have been at any time doubtful, although it dragged along for some

considerable time. The first important battle was near Capua, in the year 83 B.C., where the consul Norbanus was defeated by Sulla. The final fighting was around the city of Præneste, where all the generals of the popular party had made their headquarters.

After the strength of the Roman popular party had been crushed, the fighting was still kept up by the combined forces of the Samnites, Lucanians, and Campanians, who, originally drawn into the war as allies of Carbo and Marius, now continued in a last desperate effort to overthrow Rome altogether. At the battle of the Colline Gate these allied Italian forces, under Pontius Telesinus, came very near inflicting a worse defeat upon Rome than this city had ever received. The left wing of the Roman army, commanded by Sulla, was in fact routed, and the battle was saved only by the right wing under the command of Crassus. In the end the victory of the Romans under Sulla in this battle was complete, and the great Italian general Pontius Telesinus was left dead upon the field.

This battle practically ended the fighting, although a few unimportant cities still held

out against Sulla for a short period. The long contest between the Romans and the Italians was now definitely over. The victory of the oligarchical party at Rome over the popular party was merely temporary, although the supremacy of the latter was never attacked during the lifetime of Sulla. The victory of Sulla was followed by the terrible proscriptions with which the name of this general must ever be associated. The number of names appearing in the list of those who were proscribed, and liable to be killed by any one willing to carry out the orders of Sulla, reached the enormous total of forty-seven thousand. In this list were included most of the leaders of the popular party, all the personal enemies of Sulla himself, and also the names of all those whom for any reason of personal enmity or greed the friends of Sulla desired to have proscribed. It was only with the greatest difficulty that the friends of the young Julius Cæsar were able to save his life on this occasion. There is an historic anecdote to the effect that Sulla, in sparing him, warned the aristocratic party to beware of him in the future, as in this young man there was more than one

Marius. It is hardly probable that this story is true, as Cæsar at this time had done nothing to show his ability.

The vengeance which Sulla took upon the Italians who had resisted him was even more terrible. Whole cities were destroyed, and the Samnite race was practically annihilated. The vengeance of Sulla extended even to the remote provinces, where the members of the popular party were everywhere hunted down and murdered.

In the year 81 B.C. the dictatorship, which had been unknown in the Roman government for considerably more than a century, was once more resorted to, and by the means of this office Sulla obtained absolute power at Rome. The legal changes made by Sulla were few, but all in favor of the aristocratic party. The laws passed during the previous half century in favor of the people were disregarded. The presidency of the courts was limited to the nobility, and the jurymen were again taken from the senators. Sulla also secured the passage of a large number of sumptuary laws of the most minute and, it might be added, of the most ridiculous character.

Because of poor health, Sulla was compelled, in the year 79 B.C., to resign the dictatorship, and he died the following year at the age of sixty.

To such minds as naturally incline to the democratic side of political controversies, whether past or present, the character of Sulla will be apt to appear as perhaps that character in all Roman history most absolutely without a redeeming trait.

Sulla's military triumphs consisted in the reconquest of provinces which had been goaded into rebellion by the terrible exactions of the Roman tax collectors and the unspeakable atrocities of the Roman slave hunters.

The historians of the reactionary and aristocratic school, while they are able to find much to praise in the life and work of this bitterest of the enemies of human lives and liberty, are nevertheless compelled to qualify their praise because of the many features of his character and the many acts of his life which even they are compelled to condemn. The historian Charles Merivale has made perhaps as strong a plea for Sulla as it is possible to make, in the following words:

"The personal rivalry of her two most fortunate generals becomes now the main channel of the history of Rome herself. In the year which closed the contest of the republic with her dependent allies (88), Sulla was forty-nine years old, Marius was about seventy. The former was enjoying the full breeze of popularity and renown, while the latter, wearied but not sated with accumulated honours, was moodily throwing away the advantages he had earned in his earlier career. From campaign to campaign Sulla, as we have seen, had dogged the steps of the elder warrior, always ready to step in and seize the opportunities which the other cast recklessly in his way. Not that Marius in his exalted station was even from the first indifferent to this incipient rivalry. He was deeply jealous of his subordinate. He felt chagrin at the contrast presented by their respective birth and origin; for Sulla, though needy in point of fortune, was a scion of the illustrious house of the Cornelii, and plumed himself on the distinction and advantage such a lineage conferred. Sulla, moreover, was trained in the accomplishments of Hellenic education, which Marius, conscious of his want of them, vainly affected to despise. Sulla wrote and spoke Greek; his memoirs of his own life became the text-book of the Greek historians of Rome, from whom we principally derive our acquaintance with him. But this varnish of superior culture seems to have failed in softening a rough plebeian nature. Sulla was one of many noble Romans who combined with pretensions to literary taste the love of gross debauchery, and pleasure in the society of mimes and

vulgar jesters. He was a coarse sensualist, and by his disregard of the nuptial tie offended even the lax morality of his age. His eyes, we are told, were of a pure and piercing blue, and their sinister expression was heightened by the coarseness of his complexion and a countenance disfigured by pimples and blotches, compared by the raillery of the Greeks to a mulberry sprinkled with meal. His manners, except when he unbent in the society of his inferiors, were haughty and morose; nor is there any act of kindliness or generosity recorded of him. The nobles who accepted him as their champion had no personal liking for him. But selfish and ambitious though he was, the aggrandisement of his party and order was with Sulla a species of fanaticism. He despised the isolated ascendency of a Marius, and aspired to rule in Rome at the head of a dominant oligarchy. . . .

"Slowly and with many a painful struggle the Roman commonwealth had outgrown the narrow limits of a rustic municipality. The few hundred families which formed the original nucleus of her citizenship, and which in her earliest and simplest days had sufficed to execute all the functions of her government, had been compelled to incorporate allies and rivals in their own body, to enlarge their views, and to expand their institutions. The main object of Sulla's policy was to revive at least the spirit of the old restrictions. The old families themselves had perished almost to a man; he replaced them by a newer growth; but he strove to pare away the accretions of ages, and restore the government of the vast empire of Rome to

a small section of her children. It contravened the essential principle of national growth; while the career of conquest, to which the Romans devoted themselves, required the most perfect freedom of development.

"Nevertheless the legislation of Sulla was undoubtedly supported by a vast mass of existing prejudice. He threw himself into the ideas of his time, as far as they were interpreted by history, by tradition, and by religious usage. The attempt to enlarge the limits of the constitution was in fact opposed to every acknowledged principle of polity. It was regarded equally by its opponents and its promoters as anomalous and revolutionary. It had as yet no foundation in argument, or in any sense of right, as right was then understood. Society at Rome was in a highly artificial state; and Sulla, with many of his ablest contemporaries, mistook for the laws of nature the institutions of an obsolete and forgotten expediency. But nature was carrying on a great work, and proved too strong for art. Ten years sufficed to overthrow the whole structure of this reactionary legislation, and to launch the republic once more upon the career of growth and development. The champions of a more liberal policy sprang up in constant succession, and contributed, perhaps unconsciously, to the great work of union and comprehension, which was now rapidly in progress. The spirit of isolation which had split Greece and Italy into hundreds of separate communities was about to give way to a general yearning for social and moral unity. The nations were to be trained by the steady development of the Roman administration.

"But though Sulla's main policy was thus speedily overthrown, he had not lived in vain. As dictator he wasted his strength in attempting what, if successful, would have destroyed his country; but as proconsul he has saved her. The tyranny of the Roman domination had set the provinces in a blaze. Mithridates had fanned the flame. Greece and Asia had revolted. The genius of the king of Pontus might have consolidated an empire, such as Xerxes might have envied, on either shore of the Ægean Sea. But at this crisis of her fate, hardly less imminent than when Hannibal was wresting from her allies and subjects within the Alps, Rome had confided her fortunes to the prowess of Sulla. The great victory of Chæronea checked the dissolution of her empire. The invader was hurled back across the Ægean; the cities of Greece returned reluctantly to their obedience, never more to be tempted to renounce it. Sulla followed Mithridates into Asia; one by one he recovered the provinces of the republic. He bound his foe by treaties to abstain from fomenting their discontents. He left his officers to enforce submission to his decrees, and quartered the armies of Rome upon the wretched populations of the East. The pressing danger of the moment was averted, though it took twenty years more to subdue the power of Mithridates, and reduce Asia to passive submission. Rome was relieved from the last of her foreign invaders; and this was the great work of Sulla, which deserved to immortalise his name in her annals."

CHAPTER IX

Pompey

SULLA had hoped by his proscriptions to so completely crush the popular party in Rome that the aristocratic party would be able to enjoy a long period of undisputed authority and absolute power. Hardly was Sulla buried, however, before the popular party began to show signs of life and renewed resistance. The consuls at the time of Sulla's death were Lepidus and Catulus, both of them elected on account of their supposed absolute loyalty to the policies of Sulla and their disregard of popular rights. The first named, however, soon began to manifest symptoms of justice and humanity, and the Senate, alarmed at these views and his increasing popularity, sought to remove him from participation in Roman politics by sending him as proconsul to govern the (then considered) remote province of Cisalpine Gaul. This move only strengthened the position of Lepidus, however, by providing him with an army. This army being augmented by recruits consisting partly

of enthusiastic adherents of the popular cause and partly of desperate adventurers, Lepidus considered himself strong enough to brave the chances of war, and began a march toward Rome. His army, however, was intercepted by the senatorial army sent to meet him, and Lepidus, completely defeated, fled to Sardinia, where he soon died.

One of the leading lieutenants of Lepidus in this campaign was Brutus, the father of the Brutus who was to be one of the assassins of Julius Cæsar. The elder Brutus was taken prisoner at this time and put to death.

In the meantime another rebellion broke out in Spain, where Sertorius had assumed the government. Neither Metellus nor Pompey was able to reduce him to submission, and the rebellion was put to an end only by the murder of Sertorius in 72 B.C.

The epoch of civil wars had now fully begun for Rome, and the same year which witnessed the murder of Sertorius saw also the breaking out of the rebellion of the gladiators under Spartacus. This rebellion, starting in the mere uprising of a handful of gladiators, reached very large proportions and occasioned the greatest fear at Rome

before it was put down by Crassus in the south of Italy and Pompey in the north. The credit for putting down this insurrection clearly belonged to Crassus rather than to Pompey, whose share in the work had been merely the destruction of a band of fugitives who had fled to the north of Italy. Nevertheless, the Senate gave the highest honors to Pompey, who was voted a triumph, while only an ovation was granted to Crassus.

Pompey and Crassus both sought election to the consulship, although both were ineligible, since Crassus was still a prætor and under the laws should have waited two years before being a candidate for consul, and Pompey was only thirty-five years old and had not even been quæstor. Each of the candidates, however, had an army under his control at the very gates of Rome, and the two illegal elections were secured from the people by fear. Pompey and Crassus, the two most powerful men in Rome at this time, were thus consuls together in the year 70 B.C.

Pompey, although he had been an ardent supporter of Sulla and a great favorite of this leader, nevertheless, upon his election as

consul, began to depart from Sulla's policies. The proposals made by Pompey were the removal of the restrictions placed upon the tribunes by Sulla and a reform of the judicial system. The first proposal was consented to by the Senate after some slight protest, but the second met with bitter opposition. The complete control possessed by the Senate over the law courts was of such great value to them that they were determined to retain it, although the administration of the courts while under their control had been one long-continued scandal. The administration of justice under the knights, however, had been almost as corrupt as that of the Senate, and to avoid giving the complete control of the trials to either of these orders, the new law prepared by Pompey and proposed by the prætor urbanus Aurelius Cotta provided that one third of the jurymen should be furnished by the Senate, one third by the knights, and one third by the tribunes of the treasury. It was evident that the law was popular and would be adopted if it came to a vote. To prevent this, the senatorial party again prepared to engage in civil war. On this

occasion, however, the resistance of the Senate was broken by the result of the still famous Verres trial.

In connection with this trial it is necessary to go back and speak of the work of another of the great men in the new generation of Roman politicians. As early as the year 79 B.C. Cicero had won considerable reputation by his defense of Sextius Roscius. From 77 B.C. down to the period of which we are now writing Cicero had been actively engaged in the work of an advocate at Rome, except during the single year 75 B.C., when he served as a quæstor in Sicily, and during this period had risen in his profession until his reputation in the courts was second only to that of the greatest lawyer of the age, Hortensius.

Cicero was now a candidate for ædile and tried to aid his candidacy by some signal achievements. Just at this time a number of the Sicilians, to whom Cicero had endeared himself by the honesty and ability with which he had exercised his duty as quæstor in their island, besought Cicero to undertake the prosecution of C. Cornelius Verres, who had just returned from three years' service as prætor in Sicily, in which

province he had been guilty of the most extreme extortions, dishonesty, and cruelty. The evidence Cicero was able to produce against Verres, and the impassioned eloquence of the orations against him which he prepared (for the evidence against Verres was so unanswerable that his counsel, the great Hortensius, threw up the case, and Verres fled into exile, thus depriving Cicero of an opportunity of delivering all the carefully prepared speeches orally in court) so demoralized the senatorial party that opposition to Cotta's bill now ceased, and the law was passed without further difficulty.

In the same year, 70 B.C., censors were again appointed, after the office had been suspended for sixteen years, and the corruption of the times, and particularly of the Senate, was shown by the fact that by the action of the censors sixty-four members of the Senate were degraded from their office.

The greatest military triumphs in the life of Pompey were in the years following his consulship. In 67 B.C. he was sent to subdue the Sicilian pirates, armed with more complete powers than had ever before been voluntarily given by Roman citizens to any Roman general.

"The terms of the proposal are extraordinary, and require close attention. First, a generalissimo was to be appointed by the senate from the consulars, to hold supreme command over the whole Mediterranean and over all the coast for fifty miles inland, concurrently with the ordinary governors, for three years. Second, he might select from the men of senatorial rank twenty-five lieutenants with pretorian powers, and two treasurers with questorian power. Third, he might raise an army of 120,000 infantry and 7,000 cavalry, and a fleet of 500 ships, and for this purpose might dispose absolutely of all the resources of the provinces. Besides this, a large sum of money and a considerable force of men and ships were at once handed over to him.

"By the introduction of this law the government was practically taken out of the hands of the senate; it was the final collapse of the oligarchic rule. But it was more than this—it was practically the institution of an unlimited dictatorship.

"Like all extraordinary commands, this new office no doubt required the confirmation of the people; but it was an undoubted prerogative of the senate to define the sphere of every command, and, in fact, to control and limit it in all ways. The people had hitherto interfered only on the proposition of the senate, or at any rate of a magistrate himself qualified for the office of general. Even during the Jugurthan War, when the command was transferred to Marius by popular vote, it was only to Marius as consul for the year. But now a private man was to be invested by the tribes with extraordinary authority, and the sphere of his

office was defined by themselves. The new commander was empowered to confer pretorian powers—that is, the highest military and civil authority—upon adjutants chosen by himself, though hitherto such authority could only be conferred with the coöperation of the burgesses; while the office of general, which was usually conferred for one year only, with strict limitations as to forces and supplies, was now committed almost without reserve to one man, who could draw upon the whole resources of the state.

"Thus at one stroke the government was taken out of the hands of the senate, and the fortunes of the empire committed for the next three years to a dictator."

The passage of this measure was one of the greatest triumphs in the life of Pompey. The success of Pompey against the pirates was complete and immediate, and appeared in striking contrast with the ill-success which had attended the Roman armies in Asia during the previous few years.

In 66 B.C. Gaius Manilius, one of the tribunes, introduced a bill recalling the Roman generals then conducting the war in Asia Minor and transferring the control of the Roman armies in this section to Pompey, giving also to Pompey the full power to make peace and alliances. This proposed law brought about a most peculiar condition of

affairs in Roman politics. Few, if any, truly favored the procedure, which was in direct violation of all the principles of the Roman constitution—a greater violation even than the law which had conferred upon Pompey his extraordinary powers as proconsul of the seas. But while everybody feared the passage of this law, everybody, with the exception of the extreme aristocratic party led by Catulus, feared more to oppose it, and the law was passed with little opposition.

From a military standpoint this grant of power to Pompey was justified by the results. Inside of three years he succeeded in completely overthrowing both Mithridates, the old king of Pontus, Rome's most dreaded enemy, and Tigranes, the king of Armenia. These successes of Pompey were followed by the conquest of the greater part of Syria. From the conquests of Pompey in the East four new Roman provinces were formed: (1) Pontus and Bithynia; (2) Cilicia, including Isauria and Pamphylia; (3) Syria; (4) Crete.

The demoralizing effect of these laws conferring such powers upon Pompey were soon to manifest themselves. Rome was rapidly

becoming accustomed to the disregard of the forms of government and of law, and to the sight of vast and irresponsible powers being granted to a single individual. These were the two things needed to prepare Rome to quietly acquiesce in the abandonment of the republic and the creation of a despotism. There is never a time in any country where too great a responsibility or power can be given to a single individual without the greatest danger to the future of the country. The right of the people to rule is both meaningless and valueless if such right is merely to consist in the right to delegate all the duties and powers of government to the custody of a single individual. A government can continue free only where the active control of public affairs is widely distributed, and where the masses of the people are not afraid to accept responsibility and do not attempt to throw the responsibility for their safety and welfare upon the shoulders of a single individual. Where a single individual becomes indispensable to any free people it is a sign of the degeneracy of the people rather than of the greatness of the man.

CHAPTER X

Cicero and Catiline

POLITICAL honors under the Roman republic were generally to be won only by military success, or by aggressive leadership in the factional politics of the city. The single instance of a man's rise to a leading place in Roman politics solely through the power of his oratory is found in the case of Marcus Tullius Cicero. His success in the defense of Roscius and in the prosecution of Verres, as well as his growing reputation as a lawyer and orator, have already been referred to.

In 65 B.C. Cicero was a successful candidate for the consulship. His letters written to his friend Atticus at Athens, during his campaign, give a most vivid insight into the practical Roman politics of the times, and show us the striking similarity, in many respects, between the political battles of the Roman republic and our own election contests.

In one of his early letters Cicero wrote: "Let me tell you that there is no class of

people so harassed by every kind of unreasonable difficulty as candidates for office."

In a later letter he discusses the details of his campaign as follows:

"The state of things in regard to my candidature, in which I know that you are supremely interested, is this, as far as can be as yet conjectured. The only person actually canvassing is P. Sulpicius Galba. He meets with a good old-fashioned refusal without reserve or disguise. In the general opinion this premature canvass of his is not unfavorable to my interests; for the voters generally give as a reason for their refusal that they are under obligations to me. So I hope my prospects are to a certain degree improved by the report getting about that my friends are found to be numerous. My intention was to begin my own canvass just at the very time that Cincius tells me that your servant starts with this letter, namely, in the campus at the time of the tribunician election, on the 17th of July. My fellow candidates, to mention only those who seem certain, are Galba and Antonius, and Q. Cornificius. At this I imagine you smiling or sighing. Well, to make you positively smite your forehead, there are people who actually think that Cæsonius will stand. I do not think Aquitius will, for he openly disclaims it and has alleged as an excuse his health and his leading position at the bar. Catiline will certainly be a candidate, if you can imagine a jury finding that the sun does not shine at noon. As for Aufidius and Policanus, I do not think you will expect to hear from

me about them. Of the candidates for this year's election, Cæsar is considered certain. Thermus is looked upon as the rival of Silanus. These latter are so weak both in friends and reputation that it seems possible to me to bring in Curius over both. But no one else seems to think so. What seems most to my interests is that Thermus should get in with Cæsar. For there is none of those at present canvassing who, if left over to my year, seems likely to be a stronger candidate, from the fact that he is commissioner of the via Flaminia, and when that has been finished I shall be greatly relieved to have seen him elected consul this election. Such in outline is the position of affairs in regard to candidates up to date. For myself I shall take the greatest pains to carry out all the duties of a candidate, and perhaps, as Gaul seems to have a considerable voting power, as soon as business at Rome has come to a standstill I shall obtain a *libera legatio* and make an excursion in the course of September to visit Piso, but so as not to be back later than January. When I have ascertained the feelings of the nobility, I shall let you know. You must undertake to secure for me the support of our friend Pompey, since you are nearer to him than I. Tell him I shall not be annoyed if he does not come to my election."

The year of Cicero's consulship (64 B.C.) was disturbed by the famous conspiracy of Lucius Sergius Catiline. It was in this conspiracy, and during this consulship, that the culmination was reached of the discontent

and plotting which had been fermenting at Rome for a number of years among a large class of the Roman nobility. The most discontented men in any community are generally to be found among those who, while belonging by birth to the upper classes of society, and accustomed to and desirous of the luxuries of life, have lost their fortunes and are unable to live in the style to which they consider themselves as of right entitled. Rome, at this time, was filled with this class of malcontents, the extravagant and wasteful style of living, combined with the reckless gambling of the age, having reduced great numbers among the young nobles almost to beggary.

The overthrow of Sulla's system of government, resulting from the defection of Pompey and the consequential loss of power and prestige by the Senate, had also roused a bitter feeling of resentment among the whole aristocratic party. The effect of this resentment upon the more solid and substantial element of this party had been to lead them to make preparations for the overthrow of Pompey upon his return to Rome; while the effect upon the ruined young nobles was

to render them more than ever ready for any desperate undertaking by which they stood a chance of repairing their fortunes.

No cause, whether good or bad, ever lacks a leader; and the leader at this time was found in Catiline, a young noble of the most profligate character, but of some degree of ability and possessed of boundless audacity and ambition.

Catiline was descended from one of the oldest families in Rome, and his loyalty to the cause of the aristocracy was proved by the ferocity with which he had served under Sulla and had assisted in carrying into execution his most bloodthirsty orders. Catiline did not fail to derive some profit from these terrible times, as he secured the proscription and murder of his brother and the grant to himself of his brother's forfeited estate.

In spite of these and many other equally heinous crimes, Catiline had been elected prætor in 68 B.C. and had then spent two years in the government of Africa. Returning to Rome in 66 B.C., he at once offered himself as a candidate for the consulship. His political hopes on this occasion, however,

were wrecked by an accusation of misconduct in the government of his province, brought against him by Publius Clodius. In revenge, Catiline then conspired with Autronius Pætus, who had just been deprived of the consulship for bribery, and other profligate and reckless nobles, to murder Cotta and Manilius, the successful candidates for consul, and to seize the government. According to rumor, both Crassus and Cæsar were connected with the conspiracy. The conspiracy was discovered and the enterprise was abandoned; but the proceedings against the suspected conspirators were stopped by the interposition of one of the tribunes, and the facts of the matter were never definitely ascertained.

It is a peculiar fact that Cicero was ready, at this time, to defend Catiline against the charges of Clodius; which charges, however, were dropped, without being brought to trial. Two years later, Catiline was again a candidate for consul, but was defeated by Cicero and Antonius. Catiline now began to make preparations for civil war. The plot was betrayed by a woman. Curius, one of Catiline's adherents, boasted of the plot to his mistress Fulvia, and she not only gave

information of the plot to Cicero but entered into his employ as a spy upon the conspirators.

In spite of the overwhelming character of the evidence against him, Catiline continued on his course with the utmost assurance and insolence. He even took his place in the Senate, and upon being attacked by Cicero replied, "There are two parties in the commonwealth; the nobles, weak in both head and body; the people, strong in body, but headless. I intend to supply this body with a head."

On the seventh of November Catiline attempted the assassination of Cicero by two of his adherents, C. Cornellus and L. Varguntеius. Cicero was immediately informed of this attempt by his spies, and the attempt was blocked. The following day Cicero summoned a meeting of the Senate, and upon Catiline appearing in his place, Cicero burst out in the first of those famous orations against Catiline, so well known to all Latin students, which begins: "How long, O Catiline, will you thus abuse our patience? To what end will your unrestrained audacity display itself?"

It is always one of the most difficult of tasks to persuade the citizens of any republic

that any political leader is actually planning the overthrow of the republican form of government. This blindness, not restricted to any one race or age, was so dense at this time in Rome that many people had refused to believe even in the existence of the conspiracy of Catiline, and had suspected Cicero of having invented the whole story with the object of making political capital for himself.

The fierce fire in the Senate of the oration by Cicero against Catiline, however, proved sufficient to force Catiline to action; and the night after Cicero's first oration against him Catiline fled to Tuscany to join the forces which had been collected there under his lieutenant Manlius. Catiline, keeping up his deceit and duplicity to the end, even while en route to the army of the conspirators wrote letters to Rome declaring that he was the victim of a conspiracy and that his present purpose was to go into voluntary banishment at Marseilles.

Upon reaching his army Catiline threw off the mask and prepared to take active steps for the overthrow and destruction of Rome. The conspiracy had now passed the point where it

was merely intended to overthrow the duly elected Roman officials, and to install Catiline and his friends in their places; the conspirators now sought nothing less atrocious than the sack of Rome and the murder of her wealthiest citizens. The contest had now become one directed against the rich class of the nobles by the poor and bankrupt members of the same order, assisted by all the unprincipled and desperate adventurers of Italy.

The plans of Catiline and his supporters were that the army in Tuscany should march upon Rome, while the friends of Catiline in the city should watch for a favorable opportunity to murder the consuls and set fire to the city.

To meet this two-sided danger Antonius was sent with an army against Catiline, while Cicero remained in Rome to secure the safety of the city. Cicero was the first to complete his part of the work. The untiring efforts of the consul at length resulted in securing legal proof against the leading conspirators who had remained at Rome, and these were immediately arrested and brought to trial. The people were at length convinced of the truth of the conspiracy, but even now it was only with the greatest difficulty that Cicero was

able to have the death sentence decreed against the prisoners.

Catiline now attempted to retreat into Gaul, but was pursued by Antonius, and in the battle which ensued the army of Catiline was cut to pieces and Catiline himself killed.

Cicero had earned the gratitude of Rome by preserving it from its threatened destruction at the hands of Catiline; but the rest of his record as consul was not of a very creditable character. Throughout his year of office Cicero was the consistent champion of the senatorial party, and the opponent of all measures to improve the economic conditions of the people. In particular, Cicero is to be censured for his opposition to the agrarian law proposed at this time. Cicero was also largely responsible for the defeat of a bill to restore the right of citizenship to the children of the men who had been proscribed by Sulla.

CHAPTER XI

Julius Cæsar

IT NOW remains to relate the life history of the man by whom the republican form of government at Rome was fated to be finally overthrown. That the existence of this Roman republic was doomed, that democratic or oligarchical government must give way either to anarchy or despotism, had been certain ever since the refusal of the Roman citizens to support the attempted reforms of the Gracchi.

There is no greater obstacle to the complete success of popular government than the almost inexplicable tendency of the majority of men to crucify the true reformer and conscientious lover of humanity as a disturber of, and a menace to, society, and to heap honors upon the head of the selfish, unprincipled, egotistical, and vicious demagogue. The result is that the reforms which might save the country fail; and later the people, at last roused to a realization of the evils which surround them, grasp at the promises of the imposter and follow him with hysterical and insane enthusiasm until their false leader directs their

footsteps to the precipice, over which they fall to their destruction. If France had adopted the moderate reforms of Necker and Turgot she might have been saved from the terrible retribution of the French Revolution; if Rome had not rejected the leadership of Tiberius Gracchus, and later accepted that of Julius Cæsar, the Roman republic need not have fallen.

Julius Cæsar was born in the year 100 B.C. His family were of old patrician stock, and in addition were possessed of considerable wealth, but the share that was inherited by young Julius was very quickly squandered. From the outset of his career Cæsar exhibited talents of a widely diversified character, showing literary ability as well as strength and skill in athletic exercises and in military life. With all these Cæsar combined a dissipated character, and extreme selfish ambition. Cæsar, by the accidental course of events, became allied with the popular party at Rome; but throughout his whole life it was with him merely a case of using the popular favor as a means to promote his personal ends; never a case of sacrificing himself, his ambition, or his pleasure for the people's welfare. It was

by marriage that Cæsar had become connected with the popular party, his aunt Julia having become the wife of Marius, while he himself had married the daughter of Cinna, the colleague of Marius in his last consulship. On account of these marriage relations Cæsar barely escaped being included in the proscriptions of Sulla. He finally succeeded in making his peace with Sulla, and received his first military experience under Thermus, whom Sulla had left to besiege Mitylene. In this campaign young Cæsar distinguished himself by winning a civic crown for saving the life of a citizen. After the death of Sulla Cæsar made his first attempt to attract attention in the political field by impeaching Dolabella for extortion in his administration in Macedonia. Although Dolabella was acquitted, Cæsar acquired some reputation from this affair.

This trial persuaded Cæsar that he should take up the field of oratory, and he accordingly set out to study rhetoric at Rhodes under Molo, the great teacher in this subject at that time. On his way, Cæsar underwent the second great peril of his life by being captured by Cilician pirates. After being ransomed

he abandoned the idea of studying rhetoric, and instead fitted up an expedition with which he captured his former captors, whom he crucified at Pergamus. In 74 B.C. Cæsar was elected one of the pontifices at Rome, and immediately returned to the city, where he spent several years in ease and pleasure, not neglecting, however, to use every effort to win the favor of the populace.

Cæsar was elected quæstor in 68 B.C., and it was during his year in this office that he made his first bold play to secure the popular support. His aunt Julia, the widow of Marius, dying, Cæsar delivered a panegyric over her in which he spoke far less about his aunt than about her husband Marius, still the great idol of the popular party, and in defiance of a still unrepealed statute of Sulla he caused the bust of Marius to be carried among the family images.

In 65 B.C. Cæsar was elected ædile. He was obliged to plunge himself heavily into debt to obtain this office; and after his election he did not hesitate to go still deeper into debt for the purpose of providing magnificent shows for the people at the public games. In virtue of the power of his office Cæsar placed the statue

of Marius, surrounded by the trophies of his Cimbrian and Jugurthine victories, among the new ornaments of the capitol. At the close of his term as ædile Cæsar sought to be sent to Egypt for the purpose of forming Egypt into a Roman province, in accordance with the will of the Egyptian king, Ptolemy Alexander. This important mission, however, was denied to Cæsar, to whom was assigned the duty of presiding in the tribunal which conducted the investigation in cases of suspected murder.

The following year, the year of the consulship of Cicero and the conspiracy of Catiline, Cæsar passed temporarily under a cloud on account of his suspected connection with the conspiracy. The suspicion that Cæsar had at least been privy to the plans of the conspirators was strengthened by his efforts to prevent the death sentence being passed against their leaders.

The Roman historian Sallust, in his history of Catiline, has reported Cæsar's speech in the Senate on this occasion, which serves to illustrate the craftiness of the man. A portion of this speech is here inserted:

"In all debates, Conscript Fathers, when the matter

under deliberation is in its nature doubtful, it is the duty of every senator to bring to the question a mind free from animosity and friendship, from anger and compassion. When those emotions prevail, the understanding is clouded, and truth is scarcely perceived. To be passionate and just at the same time is not in the power of man. Reason, when unbiased, and left to act with freedom, answers all our purposes; when passion gains the ascendant, reason is fatigued, and judgment lends no assistance.

"In the case now before us, let it be our wisdom, Conscript Fathers, not to suffer the crimes of Lentulus and his accomplices to hurry you beyond the bounds of moderation. Indignation may operate on your minds, but a due sense of your own dignity, I trust, will preponderate. My opinion is this; if you know of any pains and penalties adequate to the guilt of the conspirators, pronounce your judgment; I have no objection. If you think death a sufficient punishment, I concur with Silanus; but if the guilt of the prisoners exceeds all forms of vindictive justice, we should rest contented with the laws known to the constitution.

"The senators who have gone before me have exhausted the colors of rhetoric, and in a pathetic style have painted forth the miseries of their country. They have displayed the horrors of war, and the wretched condition of the vanquished; the young of both sexes suffering violation; children torn from the mother's arms; virtuous matrons exposed to the brutal passions of the conqueror; the houses of citizens, and

the temples of the gods, pillaged without distinction; the city made a theater of blood and horror; in a word, desolation and massacre in every quarter.

"But why, immortal gods! why all that waste of eloquence? Was it to inflame our passions? to kindle indignation? to excite a detestation of rebellion? If the guilt of these men is not of itself sufficient to fire us with resentment, is it in power of words to do it? I answer, No; resentment is implanted in our hearts by the hand of nature; every man is sensible of injury and oppression; many are apt to feel too intensely. But we know, Conscript Fathers, that resentment does not operate alike in all the ranks of life: he who dwells in obscurity may commit an act of violence, but the consequence is confined to a small circle. The fame of the offender, like his fortune, makes no noise in the world. It is otherwise with those who figure in exalted stations; the eyes of mankind are upon them; and the wrong they do is considered an abuse of power. Moderation is the virtue of superior rank. In that preëminence, no apology is allowed for the injustice that proceeds from partiality, from anger, aversion, or animosity. The injury committed in the lower classes of life is called the impulse of sudden passion; in the higher stations, it takes the name of pride and cruelty. . . .

"With regard to capital punishment, it is a truth well known that to the man who lives in distress and anguish of heart, death is not an evil; it is a release from pain and misery; it puts an end to the calamities of life; and after the dissolution of the body, all is

peace; neither care nor joy can then intrude. . . .

"It may be said, who will object to a decree against the enemies of their country? The answer is obvious; time may engender discontent; a future day may condemn the proceeding; unforeseen events and even chance, that with wild caprice perplexes human affairs, may give us reason to repent. The punishment of traitors, however severe, cannot be more than their flagitious deeds deserve; but it behooves us, Conscript Fathers, to weigh well the consequences before we proceed to judgment. Acts of state, that sprung from policy, and were perhaps expedient on the spur of the occasion, have grown into precedents often found to be of evil tendency. The administration may fall into the hands of ignorance and incapacity; and in that case, the measure, which at first was just and proper, becomes by misapplication to other men and other times the rule of bad policy and injustice.

"It must be admitted that, in times like the present, when Marcus Tullius Cicero conducts the administration, scenes of that tragic nature are not to be apprehended. But in a large populous city, when the minds of men are ever in agitation, a variety of jarring opinions must prevail. At a future day and under another consul, who may have an army at his back, falsehood may appear in the garb of truth, and gain universal credit. In such a juncture, should the consul, encouraged by our example, and armed with the power by the decree of the Senate, think proper to unsheath the sword, who shall stop him in his career? who will be able to appease his vengeance? . . .

"But you will say, What is the scope of this long argument? Shall the conspirators be discharged, and suffered to strengthen Catiline's army? Far from it; my advice is this; let their estate and effects be confiscated; detain their persons in separate prisons, and for that purpose choose the strongest of the municipal towns; declare, by a positive law, that no motion in their favor shall be brought forward in the Senate, and that no appeal shall be made to the people. Add to your decree, that whoever shall presume to espouse the cause of the guilty shall be deemed an enemy to the Commonwealth."

The year following the conspiracy of Catiline Cæsar secured the office of prætor. By this time Cæsar had secured such a hold upon the popular mind as to excite both the fear and hatred of the senatorial party. This fear and hatred were manifested during Cæsar's year of office as prætor by the Senate passing a decree depriving Cæsar and one of the tribunes (Cæcilius Metellus Cepos) of their offices. Fear of popular violence, however, soon induced the Senate to repeal this decree.

In December, 62 B.C., there occurred at Rome one of the best remembered of historical scandals; but one whose exact nature we are unable to determine on account of lack

of knowledge of the character of the mysteries which were violated.

The historian Merivale thus describes this scandal:

"P. Clodius, the corrupt accuser of Catiline, a turbulent intriguer like so many members of his house, had ingratiated himself with the people by his popular manners. This beardless youth, already alike notorious for his debts and gallantries, had introduced himself into Cæsar's house in female attire during the celebration of the rites of the Bona Dea, which should have been studiously guarded from male intrusion. A servant maid discovered him and uttered a cry of alarm; the mysteries were hastily veiled, and the intruder expelled; but the assembled matrons rushing hastily home revealed each to her husband the scandal and the sin. The nobles affected grave alarm; the pontiffs were summoned and consulted, and the people duly informed of the insult offered to the deity. As chief of the sacred college, Cæsar could not refrain from lending himself to the general clamour; but his position was delicate. On the one hand, the presumed delinquent was an instrument of his own policy, while on the other his own honour and that of his wife Pompeia were compromised by the offence. He disappointed everybody. He divorced his wife, not because she was guilty, but because 'the wife of Cæsar,' as he said, 'should be above suspicion.' But he refused to countenance the measures which the consuls took, by direction of the senate, for the conviction of the

reputed culprit; and it may be suspected that the money with which Clodius bribed his judges was a loan negotiated with Crassus by Cæsar himself. Cicero for his part had been lukewarm in an affair, the barefaced hypocrisy of which he was perhaps too honourable to countenance; but, urged by his wife Terentia, a violent woman who meddled much in his affairs, and was jealous at the moment of a sister of the culprit, he clearly disproved his allegation of absence from the city, and thus embroiled himself, to no purpose, with an able and unscrupulous enemy. The senate believed their cause gained; the proofs indeed were decisive, and they had assigned at their own request a military guard to the judges to protect them from the anticipated violence of a Clodian mob; but to their consternation, on opening the urns, the votes for an acquittal were found to be thirty-one opposed to twenty-five. 'You only demanded a guard,' then exclaimed Catulus with bitter irony, 'to secure the money you were to receive.' Cicero attributed to Crassus the scandal of this perversion of justice; the nobles sneered at the corruption of the knights, and the gulf which separated the two orders yawned more widely than ever."

In 60 B.C. Cæsar was given the command of the province of Farther Spain; and it was here that his great military abilities were for the first time displayed to the world. It had only been by the means of a large loan (about one million dollars) received from Crassus that

Cæsar was enabled to pay off his most pressing creditors, and to make preparations for his journey to Spain; into such a financial state had Cæsar been reduced by his personal extravagances, his political campaign expenses, and his lavish expenditures to win the popular favor.

Upon Cæsar's return from Rome the young general found Pompey still further alienated from the senatorial party. A comparison of the character of these two Roman leaders, now for a while about to become close associates and later (mainly through the limitless ambition and unprincipled conduct of Cæsar) rivals in a bitter contest for supremacy, is perhaps proper at this time. The briefest comparison which can be made perhaps consists in saying that Pompey represented the best type of an aristocrat—Cæsar the worst type of the hypocritical popular demagogue. Neither man consistently stood for those things which he was supposed to represent at the outset of his career; neither man, it is probable, ever really believed in them. The training and antecedents of Pompey were of the extreme oligarchical character; his natural leanings were toward humanity and justice.

Cæsar, shouting his championship of the people from the housetops, was in practice regardless of everything but his own selfish ambitions. The populace which he flattered, deceived, and betrayed were to him merely the tools by which his success was to be won and occupied about the same position in his philosophy of life as the dice with which he won large sums of money in gambling.

Pompey was imbued with a strong sense of the sanctity of the law; Cæsar never regarded any law which stood between him and his goal. Pompey dismissed his victorious troops before he approached Rome on his return from his Eastern campaigns; Cæsar did not hesitate to lead his legions across the Rubicon. Neither possessed any great degree of constructive political ability. Pompey's life was one devoted to an attempt to preserve, Cæsar's was devoted to an attempt to destroy. Cæsar's ability was far greater than that of Pompey in every field of human activity.

Cæsar's Spanish campaign had been so short in duration that he was enabled to return to Rome in time to run for the consulship in 60 B.C. In order to begin his canvass without delay, Cæsar asked leave to enter the

city before receiving his triumph. This permission being refused, mainly through the influence of Cato and Cicero, Cæsar gave up his claim to a triumph and, entering Rome immediately, began his political campaign. Being again hard up for money, Cæsar made an agreement with a very wealthy candidate for consul, named L. Lucceius, by the terms of which Lucceius was to provide the campaign funds for both candidates, while Cæsar was to furnish the reputation and popularity. This combination resulted better for Cæsar than for Lucceius; Cæsar received his share of the benefit from the campaign fund, but the benefit of his popularity did not seem to extend to his running mate. The election resulted in the choice of Cæsar and M. Calpurnius Bibulus, the candidate of the Cato-Cicero faction.

At this time Cæsar persuaded Pompey and Crassus to form the first triumvirate with him. This triumvirate was nothing more nor less than a Roman political machine, by means of which these three men expected to be able to make themselves the political bosses of the city. To cement this political union, Pompey married Julia, the daughter of Cæsar.

The most important event of Cæsar's consulship was the passage of an agrarian act providing for the division of public lands in Campania among the old soldiers of Pompey. The members of the triumvirate proved themselves to be strong enough to force this measure through in spite of the opposition of the consul Bibulus, of Cato, and of others.

The measure was not passed, however, without considerable violence and disregard of the technical rules of the Roman law.

The Senate, acting under the authority of the Sempronian Law, had assigned the woods and roads as the provinces to which the consuls of the year were to be assigned after the expiration of their terms of office. Cæsar, however, who throughout his career never bothered himself very much as to what the law was, secured the passage by the comitia tributa of a law introduced by the tribune Vatinius, which gave to Cæsar the provinces of Cisalpine Gaul and Illyricum and three legions for five years. Later the Senate (to prevent another appeal by Cæsar to the people) added Transalpine Gaul and another legion to his command. The time of his command was also later extended.

It was the success of Cæsar's Gallic campaigns (58–51 B.C.) which rendered possible his overthrow of the republic, and the importance of this war is therefore very great, but it is unnecessary to deal with the military details of these campaigns.

During the years of Cæsar's absence from Rome the first triumvirate had fallen to pieces. In the year 55 B.C. Pompey and Crassus, without opposition, had been elected to the consulship for a second term. At the conclusion of this consulship Crassus was sent with an army against the Parthians, by whom he was defeated and killed in 53 B.C. In the meantime Julia, daughter of Cæsar and wife of Pompey, had died at Rome in 54 B.C. Crassus and Julia had been the two persons who had kept Cæsar and Pompey together, and from this time these two leaders rapidly drifted apart.

All this time affairs at Rome were constantly falling into worse and worse stages of corruption and confusion. In 58 B.C. (through the efforts of Cæsar's friends, led by Clodius) Cicero had been banished from Rome; in 57 B.C. he was recalled, and honors were heaped upon him.

In 54 B.C. all the candidates for the consulship were prosecuted for bribery, and the consular elections postponed seven months. Many wanted Pompey named as dictator at this period. A little later he actually served for a considerable period as sole consul. It would probably have been possible for Pompey, at this time, to have anticipated Cæsar and to have made himself emperor of Rome, but his efforts were rather directed toward the restoration of the old order of things in the republic. The course of events had once more united Pompey with the moderate senatorial party.

The election of 52 B.C. was notable, even among the other elections of this period, for the enormous extent of the corruption funds used by the various candidates. In the course of this campaign the notorious Clodius, who was a candidate for prætor, with a retinue of friends and clients one day chanced to encounter T. Annius Milo, a candidate for consul belonging to the senatorial party, with a like body of retainers. A conflict resulted in which Clodius was killed. The next day Clodius's friends, aided by all the lawless elements of the Roman population, made a

pyre for the corpse out of the seats of the senate house and burned the dead body of Clodius and the senate house together.

The Roman historian Florus thus reviews the situation reached by the Roman republic at the time of the civil war between Cæsar and Pompey:

"This is the third age of the Roman people, with reference to its transactions beyond the sea; an age in which, when they had once ventured beyond Italy, they carried their arms through the whole world. Of which age, the first hundred years were pure and pious, and, as I have called them, 'golden'; free from vice and immorality, as there yet remained the sincere and harmless integrity of the pastoral life, and the imminent dread of a Carthaginian enemy supported the ancient discipline.

"The succeeding hundred, reckoned from the fall of Carthage, Corinth and Numantia, and from the inheritance bequeathed us by King Attalus in Asia, to the times of Cæsar and Pompey, and those of Augustus who succeeded them, and of whom we shall speak hereafter, were as lamentable and disgraceful for the domestic calamities, as they were honourable for the lustre of the warlike exploits that distinguished them. For, as it was glorious and praiseworthy to have acquired the rich and powerful provinces of Gaul, Thrace, Cilicia, and Cappadocia, as well as those of the Armenians and Britons, so it was disgraceful and lamentable at the same time to have fought at

home with our own citizens, with our allies, our slaves, our gladiators.

"I know not whether it would have been better for the Romans to have been content with Sicily and Africa, or even to have been without them, while still enjoying the dominion of Italy, than to grow to such greatness as to be ruined by their own strength. For what else produced these intestine distractions but excessive good fortune? It was the conquest of Syria that first corrupted us, and the succession afterwards in Asia, to the estate of the king of Pergamus. Such wealth and riches ruined the manners of the age, and overwhelmed the republic, which was sunk in vices as in a common sewer. For how did it happen that the Roman people demanded from the tribunes lands and subsistence, unless through the scarcity which they had by their luxury produced? Hence there arose the first and second sedition of the Gracchi, and a third, that of Apuleius Saturninus. From what cause did the equestrian order, being divided from the senate, domineer by virtue of the judiciary laws, if it was not from avarice, in order that the revenues of the state and trials of causes might be made a means of gain? Hence again it was that the privilege of citizenship was promised to the Latins, and hence were the arms of our allies raised against us. And what shall we say as to the wars with the slaves? How did they come upon us, but from the excessive number of slaves? Whence arose such armies of gladiators against their masters, if it was not that a profuse liberality, by granting shows to gain the favour of the populace, made that

an art which was once but a punishment of enemies? And to touch upon more specious vices, did not the ambition for honours take its rise from the same excess of riches? Hence also proceeded the outrages of Marius, hence those of Sulla. The extravagant sumptuousness of banquets, too, and profuse largesses, were not they the effects of wealth, which must in time lead to want? This also stirred up Catiline against his country. Finally, whence did that insatiable desire of power and rule proceed, but from a superabundance of riches? This it was that armed Cæsar and Pompey with fatal weapons for the destruction of the state.

"Almost the whole world being now subdued, the Roman Empire was grown too great to be overthrown by any foreign power. Fortune, in consequence, envying the sovereign people of the earth, armed it to its own destruction. The outrages of Marius and Cinna had already made a sort of prelude within the city. The storm of Sulla had thundered even farther, but still within the bounds of Italy. The fury of Cæsar and Pompey, as with a general deluge or conflagration, overran the city, Italy, other countries and nations, and finally the whole empire wherever it extended; so that it cannot properly be called a civil war, or war with allies; neither can it be termed a foreign war; but it was rather a war consisting of all these, or even something more than a war. If we look at the leaders in it, the whole of the senators were on one side or the other; if we consider the armies, there were on one side eleven legions, and on the other eighteen; the entire flower and strength of the manhood

of Italy. If we contemplate the auxiliary forces of the allies, there were on one side levies of Gauls and Germans, on the other Deiotarus, Ariobarzanes, Tarcondimotus, Cotys, and all the force of Thrace, Cappadocia, Cilicia, Macedonia, Greece, Ætolia, and all the East; if we regard the duration of the war, it was four years, a time short in proportion to the havoc made in it; if we attend to the space and ground on which it was conducted, it arose within Italy, whence it spread into Gaul and Spain, and returning from the West, settled with its whole force on Epirus and Thessaly; hence it suddenly passed into Egypt, then turned towards Asia, next fell upon Africa, and at last wheeled back into Spain, where it at length found its termination. But the animosities of parties did not end with the war, nor subsided till the hatred of those who had been defeated satiated itself with the murder of the conqueror in the midst of the city and the senate.

"The cause of this calamity was the same with that of all others, excessive good fortune. For in the consulship of Quintus Metellus and Lucius Afranius, when the majesty of Rome predominated throughout the world and Rome herself was celebrating, in the theatres of Pompey, her recent victories and triumphs over Pontus and Armenia, the overgrown power of Pompey, as is usual in similar cases, excited among the idle citizens a feeling of envy towards him. Metellus, discontented at the diminution of his triumph over Crete, Cato, ever an enemy to those in power, calumniated Pompey, and raised a clamour against his acts.

Resentment at such conduct drove Pompey to harsh measures, and impelled him to provide some support for his authority. Crassus happened at that time to be distinguished for family, wealth, and honour, but was desirous to have his power still greater. Caius Cæsar had become eminent by his eloquence and spirit, and by his promotion to the consulate. Yet Pompey rose above them both. Cæsar, therefore, being eager to acquire distinction, Crassus to increase what he had got, and Pompey to add to his, and all being equally covetous of power, they readily formed a compact to seize the government. Striving, accordingly, with their common forces each for his own advancement, Cæsar took the provinces of Gaul, Crassus that of Asia, and Pompey that of Spain; they had three vast armies and thus the empire of the world was now held by these leading personages. Their government extended through ten years, at the expiration of this period (for they had previously been kept in restraint by dread of one another) a rivalry broke forth between Cæsar and Pompey, consequent on the death of Crassus among the Parthians, and that of Julia, who, being married to Pompey, maintained a good understanding between the son-in-law and father-in-law by means of this matrimonial bond. But now the power of Cæsar was an object of jealousy to Pompey and the eminence of Pompey was offensive to Cæsar. The one could not bear an equal, nor the other a superior. Sad to relate, they struggled for mastery, as if the resources of so great an empire would not suffice for two."

The open rupture between Cæsar on the

one side and Pompey and the Senate on the other came in the year 49 B.C. Cæsar had been promised the consulship for the year 48 B.C., but fear of the powerful position in which Cæsar would be placed if put in possession of the highest civil office of the state, while still holding his influence over his veteran army, together with distrust of Cæsar's motives and ambitions, caused great opposition to this plan to develop at Rome.

Cæsar, however, had his active partisans at Rome, among the most energetic being the tribunes Gaius Curio, Mark Antony, and Gaius Cassius. The former of these, a man of dissolute character and great abilities as a politician, proposed to the Senate a resolution calling upon both Cæsar and Pompey to resign their provinces.

Upon the passage of this resolution by the Senate, by a vote of three hundred to seventy, Pompey began to raise troops without the proper legal authority, and Cæsar refused to surrender his province, or to appear before the Senate without the protection of his army. Cæsar, however, sent to the Senate an offer to resign the governorship of Transalpine Gaul and to reduce the size of his army from ten

legions to two, if the Senate would agree that he should retain the government of Cisalpine Gaul and the two remaining legions until after the consular election of 48 B.C. This offer was rejected by the Senate, who then adopted a motion ordering Cæsar to disband his army and resign his province within a fixed time under penalty of being declared guilty of high treason. This measure was vetoed by the tribunes, who, however, abandoned their posts and fled to Cæsar's camp upon Pompey bringing two legions of his soldiers into Rome.

Cæsar, relying upon the support of his veteran army and of the Transalpian Gauls, to whom, on his own authority and without any color of legal right, he had granted the full civic rights of Roman citizens, now decided on a resort to force.

The war was begun by Cæsar crossing the Rubicon. Pompey and his friends fled to Greece, where the war was largely fought out. The really decisive battle of the war was that of Pharsalus, fought on August 4, 48 B.C. The result of this encounter was the complete overthrow of Pompey, who fled to Egypt, where he was murdered by those who hoped

in this manner to earn the gratitude of Cæsar. Pompey's followers in Africa and Spain were soon afterwards put down. The last battle of the war, on March 17, 45 B.C., was that of Munda, where the army of Pompey's son was defeated and thirty thousand of his soldiers killed.

Cæsar entered Rome, to receive his last triumph in September, 45 B.C. The Roman republic was now overthrown; and the mere puerile expedient of giving a new name to the monarch, in place of the hated name of king, did not in any degree alter the truth of the matter. The new title of *imperator*, or emperor, in fact, soon came to be used to designate a ruler of a higher rank, and possessed of a greater degree of arbitrary power, than that of the monarch who ruled under the name of *rex* or king. The forms of government of the republic were still retained; but the officers who were once the chosen representatives of a free people were now only the ministerial officers through whom a despot administered the affairs of his empire. Greatest degradation of all, the tribunes, once the embodiment of the rights of manhood, now became the especial tools of tyranical control.

Few people are unaffected by the glamour of success. It is this criterion alone which, as Thomas Moore writes, generally marks the distinction between the patriot and the traitor.

"Rebellion! foul, dishonoring word,
Whose wrongful blight so oft has stained
The holiest cause that tongue or sword
Of mortal ever lost or gained.
How many a spirit, born to bless,
Hath sunk beneath that withering name,
Whom but a day's, an hour's success
Had wafted to eternal fame!
As exhalations, when they burst
From the warm earth, if chilled at first,
If checked in soaring from the plain,
Darken to fogs and sink again;—
But if they once triumphant spread
Their wings above the mountain-head,
Become enthroned in upper air,
And turn to sun-bright glories there!"

This success, so necessary to earn for the patriot or reformer the fame to which he is so justly entitled, is too often able to win admiration and respect also for the successful enemies of mankind.

Few members of the human race ever deserved less praise from posterity (unless

indeed, as a tribute to great but misdirected abilities) than Julius Cæsar; but, nevertheless, many tributes have been laid before the tomb of this destroyer of his country's liberties. For example, the historian Mommsen, thus eulogizes Cæsar:

"Cæsar, from the outset and as it were by hereditary right the head of the popular party, had for thirty years borne aloft its banner without ever changing or even so much as concealing his colors; he remained democrat even when monarch. As he accepted without limitation, apart of course from the preposterous projects of Catiline and Clodius, the heritage of his party; as he displayed the bitterest, even personal, hatred to the aristocracy and the genuine aristocrats; and as he retained unchanged the essential ideas of Roman democracy, viz., alleviation of the burdens of debtors, transmarine colonization, gradual equalization of the differences of rights among the classes belonging to the State, emancipation of the executive power from the Senate; his monarchy was so little at variance with democracy, that democracy on the contrary only attained its completion and fulfillment by means of that monarchy. For his monarchy was not the Oriental despotism of divine right, but a monarchy such as Gaius Gracchus wished to found, such as Pericles and Cromwell founded—the representation of the nation by the man in whom it puts supreme and unlimited confidence. The ideas which lay at the foundation of Cæsar's work were so far not strictly

new; but to him belongs their realization, which after all is everywhere the main matter; and to him pertains the grandeur of execution, which would probably have surprised the brilliant projector himself if he could have seen it, and which has impressed, and will always impress, every one to whom it has been presented in the living reality or in the mirror of history—to whatever historical epoch or whatever shade of politics he may belong—according to the measure of his ability to comprehend human and historical greatness, with deep and ever-deepening admiration."

The laudations of Cæsar, it is perhaps needless to say, are always from men like Mommsen who are absolutely devoid of any true sympathy for free government or popular rights. No more striking commentary on such men can be found than from comparing Mommsen's attack upon the revolutionary methods of Tiberius Gracchus with his defense of Cæsar, given above.

The truth of the matter is that Cæsar was never at any time in his career a sincere member of the popular party. The people were his dupes, by whose aid he raised himself to the imperial power and destroyed the political liberties of his native state. His almost blasphemous use of the names of the great dead leaders and martyrs of the popular

cause as cloaks to cover his own selfish and unpatriotic schemes is not the least of the indictments against him in the eyes of the true advocate of popular rights. In such actions, however, Cæsar does not stand alone. In our politics of to-day nothing is more common for a politician than to try to cover his corruption by throwing over himself the mantle of some great national hero. The cloak of Jefferson in one political party, and of Lincoln in the other, are striven for by men who desire to use them solely for the purpose of covering their opposition to everything for which these men stood.

Nor has Cæsar been without imitators in every age, and in every republic, who, if the opportunity would only permit, desire above all else to imitate his life and success. The ability of Cæsar, however, is seldom or never to be found in his imitators; but the ambition itself is to be found somewhere among the politicians of every republic. There is also generally a strong influential class that would prefer the strong settled rule of one man to the constant political controversies with "their unsettled effect upon business." And the reality of a republic can always be destroyed

without affecting its form, as was done in Rome by the centering of the powers of the different officials in Cæsar, or more recently, in Mexico, by the many successive elections of Diaz to the presidency.

The early and violent death of Cæsar came before his plans were completed, and before he had assumed the title, as well as the authority, of a king or emperor. The ancient historian Appianus Alexandrinus has left a vivid account of the closing scene of Cæsar's life, some extracts from which are here inserted:

"A rumor was spread that there was an oracle of the Sibyls which declared that the Parthians could not be subdued by the Romans, unless they were commanded by a king. This made some talk publicly that in regard of other nations taxed under the Roman empire, there needed no scruple be made at the giving Cæsar that title. He, having still refused it, hastened all he could to get out of the city where many envied him. But four days before the day appointed for his departure he was slain by his enemies in the palace, either out of malice to see him raised to such supreme felicity and height of command, or else (as themselves said) out of a desire to restore the commonwealth to its first estate; for they feared that, after having overcome these other nations, nothing could hinder him from making himself king; yet as it appears to

me it was only for the name's sake they attempted all things; for in the thing itself there is no difference between dictator and king.

"There were two chiefs of this conspiracy, the son of that Brutus whom Sulla put to death, M. Brutus Cæpio, who came for refuge to Cæsar himself after the battle of Pharsalus, and C. Cassius, who yielded to him the galleys in the Hellespont, both of Pompey's party, and with them was joined one of Cæsar's most intimate friends, Decimus Brutus Albinus.

"Having all decreed the palace the place of execution, there were divers opinions concerning the manner of doing it; some being of opinion that they should likewise make away with Antony, Cæsar's colleague, the most powerful of his friends, and well beloved of the soldiery. But Brutus opposed that, saying that it was only by killing Cæsar, who was as a king, that they ought to seek for the glory of destroying tyrants; and that if they killed his friends too, men would impute the action to private enmity, and the faction of Pompey. This advice prevailing, they only expected the assembling of the Senate. Now the day before, Cæsar being invited to sup with Lepidus, carried along with him Decimus Brutus Albinus; and during supper the question being proposed what death was best for man, some desiring one kind, and some another, he alone preferred the suddenest and most unexpected. Thus divining for himself, they fell to discourse of the morrow's affairs.

"At the same time that Cæsar went to the palace in his litter, one of his domestics, who had understood

something of the conspiracy, came to find Calpurnia; but without saying anything to her but that he must speak with Cæsar about affairs of importance, he stayed, expecting his return from the Senate, because he did not know all the particulars; his host of Cnidus, called Artemidorus, running to the palace to give him notice of it, came just at the moment of his being killed; another, as he sacrificed before the gate of the senate house, gave him a note of all the conspiracy; but he going in without reading it, it was after death found in his hands. As he came out of his litter, Lænas, the same who before had spoken to Cassius, came to him, and entertained him a long time in private; which struck a damp into the chiefs of the conspiracy, the more because their conference was long; they already began to make signs to one another that they must now kill him before he arrested them; but in the sequel of the discourse, observing Lænas to use rather the gesture of suppliant than accuser, they deferred it; till in the end, seeing him return thanks to Cæsar, they took courage.

"They left Trebonius at the gate to stop Antony under the pretense of discoursing some business with him; and as soon as Cæsar was seated, the other conspirators surrounded him according to custom, as friends, having each his dagger concealed. At the same time Attilius Cimber standing before him began to entreat him to grant the return of his brother who was an exile; and upon his refusal, under pretence of begging it with more humility, he took him by the robe, and, drawing it to him, hung about his neck,

crying out, 'Why do you delay, my friends?' Thereupon Casca first of all reaching over his head, thought to strike his dagger into his throat, but wounded him only in the breast. Cæsar, having disengaged himself from Cimber, caught hold of Casca's hand, leaped from his seat, and threw himself upon Casca with a wonderful force; but being at handy grips with him, another struck his dagger into his side, Cassius gave him a wound in the face, Brutus struck him quite through the thigh, Bucolianus wounded him behind the head, and he, like one enraged, and roaring like a savage beast, turned sometimes to one and sometimes to another; till strength failing him after the wound received from Brutus, he threw the skirt of his robe over his face and suffered himself gently to fall before Pompey's statue. They forebore not to give him many stabs after he was down; so that there were three and twenty wounds found in his body. And those that slew him were so eager that some of them, through vehemence, without thinking of it, wounded each other."

CHAPTER XII

Post-Mortem

THE daggers of Brutus, Cassius, and their allies, on the Ides of March, 44 B.C., avenged the republic which they were too late to save. It thus chanced that the details of the new imperial government were in the main arranged not by Julius Cæsar but by his great-nephew, Gaius Octavius Cæsar, who succeeded both to the private fortune and the public office of the usurper. It was, however, only after another period of civil warfare that the new Cæsar came into his possessions.

The story of this civil war belongs to the history of the Roman empire rather than to that of the Roman republic, and will be referred to only briefly. Octavius Cæsar was in Illyricum at the time of the assassination of his uncle. Hastening to Rome, he found the city divided into two factions, one led by Brutus and Cassius, composed of those who desired to restore the republic; and the other, the old adherents of Cæsar, under the leadership of Mark Antony.

Octavius had perhaps more to fear from the friends of his uncle than from his assassinators, as the latter, while they would have prevented him from assuming the political powers of his uncle, would probably not have opposed his taking possession of the latter's private fortune; while Mark Antony, who had possession of Cæsar's papers and money, was probably intending to seize both the powers and property of Julius Cæsar. Octavius Cæsar, however, was possessed of a fair share both of his uncle's ability and perfidy, and proved himself more than a match for all his enemies, both in open warfare and in secret treachery.

At first Octavius seemed inclined to enter into an alliance with Cicero and some of the other senators against Antony, but finding that Cicero sought to restore the republic and could not be used as his tool, Octavius reached an agreement with Antony, and the two, together with Lepidus, formed the second triumvirate.

The immediate result of this coalition was another proscription, recalling the days of Sulla; the condemnation of all the assassinators of Cæsar by the Senate; and extensive

military preparations to overthrow the armies which they had collected.

The ancient historian Appian of Alexandria thus describes the terrors of the proscriptions:

"The proscription being published, guards were forthwith placed at the gates and all the avenues of the city, at the seaports, and in the marshes, and in all places where there was any likelihood an unhappy man might shelter himself; besides, centurions were commanded abroad, to make search in the country, which was done all at an instant; so that both within and without the city many persons died suddenly several kinds of deaths. The streets were filled with the sad spectacle of heads carrying to the triumvirs, to receive the reward; and every step some person of quality, endeavoring to save himself, was met shamefully disguised; some running down into wells, and others into privies; some hiding themselves in the tops of the chimneys, or under the tiles, where they durst not utter a sigh or a groan; for they stood in more fear of their wives, or children, or freedmen, or slaves, or debtors, or neighbours that coveted some of their goods, than of the murderers themselves.

"All private grudges were now discovered; and it was a strange change to see the prime men of the senate, consulars, prætors, tribunes, or pretenders to these dignities cast themselves at the feet of their slaves with tears in their eyes, begging and caressing them, calling them their saviours and patrons; and, which is most deplorable, not to be able with all these

submissions to obtain the least favour: The most pernicious seditions and cruellest of wars never had anything in them so terrible as the calamities wherewith the city was now affrighted; for in war and tumult none but enemies were feared, and domestics were confided in; whereas now domestics were more dreaded than enemies, because having no cause to fear for themselves, as in war or tumult, from familiars they became of a sudden persecutors; either out of a dissembled hate, or out of the hope of recompense publicly proposed, or because of some silver or gold hid in the house; so that no person found himself secure in his house, servants being ordinarily more sensible of profit than of the affection they owe to their masters; and though some might be found faithful and kind, yet they durst not assist a proscript, nor conceal him, nor so much as stay with him, for fear of falling into the same misfortune.

"There was now much more danger than when the seventeen first proscribed were fallen upon; for then no person being publicly proscribed when on a sudden they saw some killed, one man defended another, for fear lest the same should happen to him. But after the proscription was published those comprised in it were presently forsaken by all the world; some that thought themselves secure, having their minds bent on profit, sought them to deliver them to the murderers, that they might have the reward; others pillaged the houses of those that had been killed, and with the present gain comforted themselves against the public misery.

"The most prudent and moderate, surprised at a thing so extraordinary, stood like men astonished, considering that other cities turmoiled with divisions were re-established by the concord of their citizens; whereas the Romans, already afflicted with civil dissensions, completed their ruin by this reconciliation. Some were killed defending themselves; others, who thought themselves not condemned, without any defence; some let themselves die with hunger, or hanged, or drowned themselves, or threw themselves headlong from the tops of houses, or cast themselves into the fire, or ran to meet their murderers; others again sought to protract the time; and either hid themselves, or begged shamefully, or fled, or offered money to save their lives. Many likewise were slain contrary to the intention of the triumvirs, either by mistake, or out of some particular grudge; but the bodies of the proscripts might be known from the others, because they wanted the head, which was cut off, and carried before the tribunal for orations, where they paid the reward. On the other side, wonderful examples were to be seen of the affection of wives, children, brethren and slaves; who found out a thousand inventions to save their husbands, fathers, brethren, or masters; died with them when they were discovered, or killed themselves upon those bodies they were not able to defend.

"Of those that escaped the proscription, some pursued by their ill fortune, perished by shipwreck; others saved beyond all probability, came afterwards to exercise dignities in the city, to have command of armies and arrive at the honour of triumph. Such wonderful

things were to be seen in those days which do not happen in an ordinary city, or in a small kingdom but in the mistress of the world, as well by sea as land; Providence disposing it so to reduce things to that excellent order wherein you now see them. Not but that Rome felt the same miseries under Sulla, and before him under Marius; and we have in writing of them reported many actions of cruelty, even to the depriving their enemies of burial; but what passed under the triumvirs made much more noise, because of the height of their reputations; and particularly the valour and good fortune of him, who having fixed the foundations of this empire, has left it to those of his race and name, even to this present."

Among those murdered at this time was the greatest of all Roman orators, Marcus Tullius Cicero.

An interesting incident connected with the raising of the money for the campaign against Brutus and Cassius was the refusal of the Roman women at this time to pay their share of the taxes demanded of the Roman citizens for the support of the armies to be raised against Brutus and Cassius.

Hortensia, the daughter of a great orator, was their spokesman. The burden of her plea was that this was a family quarrel, a civil war, not one for the defense of Rome.

"Let war with the Gauls or the Parthians come," she said, "and we shall not be inferior to our mothers in zeal for the common safety, but for civil wars may we never contribute nor even assist you against one another. Why should we pay taxes, when we have no part in the honors, the commands, the statecraft for which you contend against one another with such harmful results?"

The campaign resulted in the complete destruction of all the armies opposed to the triumvirate, the most decisive battle of the campaign being that at Philippi. How Antony and Octavius again quarreled after their common enemy had been overthrown, how the destruction of Antony resulted from his infatuation for Cleopatra, and how Octavius at length secured the undisputed rule of the Roman world need not here be described.

The date of the beginning of the reign of Octavius Cæsar as Emperor of Rome is generally taken as 31 B.C. Like his predecessor, Octavius Cæsar endeavored to preserve as far as possible the empty forms of republican rule.

In the overthrow of the early Roman kingdom the power of the kings had mainly passed to the consuls, but partially to other

officials, and some of the powers possessed by the early consuls had been gradually taken away from them and given to other newly created officials, such as the censors and prætors. For centuries there had been a continued policy of division of powers; this policy was now suddenly reversed, and governmental powers of all kinds reunited in a single official. This was accomplished by conferring upon Octavius Cæsar, for life, each of the various offices known in the government of the Roman republic. Octavius Cæsar became life censor, life consul, and life tribune. The appointment of his colleagues in all these offices was likewise in his power. The cycle of governmental change had now been completed, and the Roman emperor possessed all the old powers of the Roman kings. In the field of legislation it is indeed probable that the power of the emperor was greater than that of his early predecessors.

"The old popular assemblies for a period after the establishment of the Empire still went through the form of passing acts, which had been prepared by the real governing power, but in addition to this the Emperor was given the power of direct legislation by his own authority.

"Laws which owed their force to the authority of the Emperor were known as Constitutiones and may be divided into four principal classes, as follows:

"1. Edicts, which were public ordinances, of universal application throughout the Empire. These had the authority of laws, inasmuch as they were generally enforced and applied to all. In the earlier reigns they were frequently renewed, and they derived their authority from the Emperor as the prætorian edict did from the prætor. Gradually they came to be held as permanently binding the real ground of their permanent force, custom was overlooked, and the imperial authority was regarded as such ground.

"2. Decrees, which were decisions in judicial cases brought before the Emperor as final court of appeal. Inasmuch as they were interpretations of law, they were regarded as binding upon all courts.

"3. Rescripts, which were decisions upon questions of law submitted by courts and private persons. They were closely connected with the pontifical interpretations.

"4. Mandates, which were directions to officials in the exercise of their offices. These, by repetition in the various instructions sent out from time to time by the Emperor, became a source of general law. They were theoretically in force only during the lifetime of the Emperor from which they proceeded; but they became of permanent force because of repetition and custom." (Lee's *Historical Jurisprudence.*)

There are writers who look with favor upon this establishment of the Roman empire,

just as there are those of the same caliber who, if some form of a dictatorship should be substituted for our present republican form of government, would be loudest in their approval of the change. Dr. Hirschfeld, of the University of Berlin, gives us the following roseate picture of the benefits which Rome received from the change:

"The reorganization of the government by Augustus, open to criticism as it is in many respects, was a blessing to the Roman empire. The view which prevailed under the republic, that the provinces had been conquered only to be sucked dry by senators and knights, governors, and tax-farmers in league or in rivalry of greed (we have one example out of hundreds in Verres, condemned to immortality by the eloquence of Cicero), this view was laid aside with the advent of the empire, and even if extortion did not wholly cease in the senatorial provinces, yet the provincial administration of the first two centuries A.D. is infinitely superior to the systematic spoliation of the republic. The governors are no longer masters armed with absolute authority, constrained to extort money as fast as possible from the provincials committed to their charge in order to meet debts contracted by their own extravagance and, more especially, by that bribery of the populace which was indispensable to their advancement. They are officials under strict control, drawing from the government salaries fully sufficient to their needs. It was a

measure imperatively called for by the altered circumstances of the time and fraught with most important consequences to create, as Augustus did, a class of salaried imperial officials and definitely break with the high-minded but wrong-minded principle of the republic by which the higher posts were bestowed as honorary appointments, and none but subordinate officials were paid, thus branding the latter with the stigma of servitude.

"It is true that the cautious reformer adopted into his new system of government the old names and the offices which had come down from republican times, with the exception of the censorship and the dictatorship, which last had long been obsolete. But these were intended from the outset to lead but a phantom existence and to take no part in the great task of imperial administration. Augustus drew his own body of officials from the knightly class, and under the unpretentious titles of procurator and præfect practically committed the whole administration of the empire to their hands, reserving, apart from certain distinguished sinecures in Rome, and Italy, for the senators the præfecture of the city, all the great governorships except Egypt, and the highest commands in the army. The handsome salaries—varying in the later days of the empire from £600 to £3,600 ($3,000 to $18,000)—and the great influence attached to the procuratorial career, which opened the way to the lofty positions of præfect of Egypt and commander of the prætorian guards at Rome, rendered the service very desirable and highly esteemed.

"While the high-born magistrates of the republic entered upon their one year's tenure of office without any training whatsoever, and were, of course, obliged to rely upon the knowledge and trustworthiness of the permanent staff of clerks, recorders and cashiers in their department, there grew up under the empire a professional class of government officials who, schooled by years of experience and continuance in office and supported by a numerous staff recruited from the imperial freedmen and slaves, were in a position to cope with the requirements of a world-wide empire. These procurators, some as governors-in-chief of the smaller imperial provinces, some as assistants to the governors of the greater, watched over the interests of the public exchequer and the emperor's private property, or looked after the imperial buildings and aqueducts, the imperial games, the mint, the corn supply of Rome, and the alimentary institutions, the legacies left to the emperors, their castles and demesnes in Italy and abroad,—in short, everything that fell within the vast and ever widening sphere of imperial government. Meanwhile the exchequer of the senate dwindled and dwindled, till it finally came to be merely the exchequer of the city of Rome."

There is scarcely any event which takes place upon this earth which produces unmixed evil or unmixed good. There is some slight element of truth in some of the statements of the last quotation. There was some temporary restraint placed upon the dishonesty

and cruelty of the Roman tax collectors; and there was undoubtedly a permanent improvement in the ability of the men holding the minor positions under the Roman government, through the introduction of what may be called a civil-service system. But the contention that the establishment of the empire was for the benefit either of the Roman citizens or of the Roman subjects is too ridiculous to merit even a denial. To show the ridiculousness of such a statement it is only necessary to point to the history of the Roman empire during the half century following the death of Octavius Cæsar. Corrupt as the administration of the government often was under the republic, and cruel as were the successful factional leaders on a few occasions, such conditions as existed in Rome under the emperors Tiberius, Caligula, and Nero could never have existed under the republic.

The character of the Roman empire was a most anomalous one. In the history of the empire we find the unparalleled situation of an absolute despotism without any hereditary nobility and even without any well-established principle as to the descent of the royal power to the children of the deceased

emperor. Under the most despotic days of the empire any Roman citizen might rise to any position of power or dignity under the emperor; nay, more than this, any subject of the Roman empire, no matter how low his origin or condition in society, might be thrust, by a lucky turn of the wheel of fortune, into the imperial purple itself.

The Roman emperors came from every strata of society, and from every portion of the Roman empire. At different times we see the son of a slave, a Syrian sun priest, a Dacian peasant, seated in the chair of the Cæsars; but this state of affairs in no way alleviated or excused the evils which the empire brought upon its subjects. The exploitation of the millions at the hands of a favored few is not rendered more defensible by the fact that any individual has the chance, by extraordinary ability, extraordinary dishonesty, or extraordinary good fortune, to raise himself out of the ranks of the exploited into those of the exploiters.

The history of Rome, therefore, cannot be so perverted as to teach the lesson which some seem to draw from it, that the substitution of a despotism for popular rule may,

under some circumstances, be a benefit to the community. It is never by the destruction of liberty that the evils of popular rule can be eliminated. In the past, in the present, and in the future, the only remedy for the evils of liberty is more liberty; and the lesson which should be learned from the fall of the Roman republic is that any country, where the privileged classes are suffered to retain their unjust privileges at the expense of the community, must in the end suffer some such terrible penalty as that paid by Rome under the tyranny and misrule of the Roman empire.

CHAPTER XIII

The Comparison

THE comparisons between the history and problems of the Roman republic and those of our own country have been sometimes directly referred to, sometimes merely indicated, in the course of this book. While it is hoped that the reader has been able to follow the train of ideas suggested by the author, and to apply the lessons taught by the story of the fall of the Roman republic to aid in the solution of the American problems of to-day, it is thought advisable, in this final chapter of the book, to combine and summarize the difficult problems of economics, civics, and politics anticipated in Roman experience.

First of all comes the lesson, so often taught by Roman history, so often already referred to in this book, that political equality is never by itself sufficient to secure either the protection of the weaker members of society or the general welfare of the community. Political equality means nothing unless supplemented by laws which secure economic justice.

The oft-repeated cry that politics and business should be kept separate is the product of a shallow, unreasoning, or hypocritical mind—generally the latter. This cry is the argument of the stand-patter, of the man who trembles for the existence of the United States Constitution and of American institutions when any proposal is made to pass a law in the interests of the mass of the community, but who can view with complacency the enactment of statutes for the benefit of certain favored classes. Economic problems and special privileges were among the greatest problems and dangers in the Roman republic, as they are in America to-day.

When we come to the exact form of the economic questions, differences, of course, begin to appear. Tariffs, trusts, regulation of commerce, were never great political questions in the days of the Roman republic. The greatest source of scandal and class favoritism at Rome was to be found in the management and distribution of the public lands. This particular problem was one which our country, for nearly a century of national existence, was able to handle, in the main, wisely and honestly. The great body of that vast

expanse of rich farming land, which was once the greatest asset of the United States, was disposed of to actual settlers, who have played an important part in the development of our wonderful West. Recently, however, corruption even along this line has begun to manifest itself in America. Passing over the numerous charges of actual corruption which have been made, it is to be regretted that the United States government has of late shown a decided disposition to favor great interests rather than ordinary individuals in the management of the public resources. An extremely indefensible discrimination is to be found in the act of July 1, 1902, which established the form of civil government for the Philippine Islands. Section 15 of this act, in providing for the management of the public lands, provided that no more than sixteen hectares of such land can be disposed of to any one individual, while a corporation may acquire as much as 1,024 hectares.

From the standpoint of pure governmental science the most interesting comparison between Rome and the United States lies in the elaborate and complicated system of checks and balances to be found in each government.

The framers of each system seem generally to have been thinking more of securing perfect brakes than of installing sufficient operating power. It is a mere hackneyed remark to say that the most prominent characteristic of the work of the Federal Constitutional Convention was the system of checks and balances it developed, while this same principle was carried to such an extreme in the organization of the Roman government that it almost seems strange to an outside observer that at times the resisting power of the "brakes" did not prove more powerful than the operating power of the government, with the result of a total failure of all government, and chaos, or anarchy.

The most interesting of the "checks" in the Roman government was the veto power of the tribunes—interesting alike for its contemporary importance at Rome, and perhaps even more so for the great and strangely directed influence which it has had upon the later development of governmental institutions throughout the world.

The veto power of the Roman tribune was an innovation in government. It was, however, a political idea which was destined to

take deep root, and to be copied by countries whose very beginnings were, as yet, far in the future. There is to-day no constitutional government in whose organization the veto power is not found in some form; in the great majority of modern governments the veto power occupies a most prominent place.

The modern veto power has departed far from that of the Roman tribune, both in practice and theory. The veto power of the latter was merely a check upon power; the modern veto power is both a check upon power and a positive power in the hands of the official to whom it is given.

The Roman veto was given to an officer who had no power except of a negative character; it could be interposed against executive acts and judicial proceedings as well as against legislative enactments.

The modern veto power is directed solely against legislative acts and is put in the hands of the executive department of the government. Against the legislative department it is a check, but to the executive department it is a grant of positive power. In the United States the veto is more a club in the hands of the executive department than a check upon

the legislative. The veto power also tends to break down the dividing line between the executive and the legislative departments. In the United States the President and the governors of the different states in reality constitute a third branch of the respective legislative departments.

The story of the Gracchi is replete with suggestions of comparisons with modern conditions. The failure of these reformers was primarily due to the lack of steadfast perseverance on the part of the mass of their followers. It is this same phenomenon which does more than any other to bring about the failure of needed and widely supported reforms at the present time in our country. It is always much easier to win the support of a majority of voters to a reform measure than it is to retain such majority during the tedious delays which the opponents of reform are so adept in producing. Delay is always the great weapon of the supporters of any special interest which is attacked. The beneficiaries from unfair discriminations or special interests, and their allies, never desert the fight from weariness, no matter how long it may be continued; but once the first spell of

enthusiasm has passed away, the supporters of the reform gradually drop by the wayside. How many times have we seen the people vote time after time in support of a certain reform only to weaken at the crisis, and allow the ultimate victory to rest with the supporters of special interests! For illustration we need only cite the long contest in the metropolis of the West for a fair deal to the people from the street-car companies, where after nine years of contest the majority of the voters, at the critical contest, deserted the mayor, who had resolutely stood for the principles for which the voters had declared year after year, and gave to the companies a contract giving them all that they had even dared to hope for.

The deposition of the tribune Marcus Octavius is without question the first historical application of the principle of the recall of public officials. This precedent was never again followed at Rome, and the recall of public officers never became a part of the Roman political system. Such an expedient, in fact, could never have been necessary at Rome, except in very extreme cases, on account of the very short terms of office for which all Roman officials were elected. The

only states of this country which follow the Roman example in this respect are some of the New England states.

The actions of the Roman proletariat in so consistently supporting the grain laws of Gaius Gracchus, and in so soon disregarding his proposals for the allotment of the public land, are very typical of the attitude of a vast element in every community. The too great concern for the present and the too great disregard for the future are among the greatest obstacles to be overcome by those who attempt to line up the people of any community in the support of true constructive reforms.

Side by side with the lack of true proportion in the view taken by the majority of men, of the relative importance of different measures, stand the constant errors made by the people in their judgment of the character and objects of different politicians.

The tribune Carbo, the successor of Tiberius Gracchus as the leader of the popular party, may stand as a typical representative of a never-changing type of politician.

No one can read of this life without being inevitably reminded of some politician of his

own acquaintance or locality. It is but another proof of how slowly human nature changes, despite the vast changes in the external conditions with which mankind is surrounded.

The law proposed by Carbo furnished an illustration of that class of laws directed against the rich, so often brought forward by demagogues, not because of any justice in the law, not even because of any benefit which the law will confer upon the people at large, but merely for the purpose of winning popular favor and political office. Such laws are generally supported by unrestrained and indiscriminating abuse. It is the proposed laws and attacks of this character which generally lead to a reaction, and in the end work to the benefit of the classes against which they are directed.

The whole story of Carbo is one well calculated to present in vivid colors all that is lowest and most despicable. To the faults and errors already referred to must be added the charge of absolute insincerity. To Carbo the rights of the people and the popular cause were dear only as a means by which he could acquire power and money for himself. When

it was for his interest, he became the servile tool of the senatorial party. America to-day has her full share of politicians who use popular measures only as a ladder for their own rise; or, even worse, who seek the leadership of a popular cause with the premeditated purpose of betraying it, at the proper moment, to the special interests. Where the purpose at first is sincere, the advocate of the object frequently deserts the cause when greater gain to him may be had by a surrender.

The impossibility of the voters being able to discriminate between the true reformer and the unscrupulous demagogue is shown time and again in the political history both of Rome and the United States. There has always been a class of politicians without character, without honesty, without any pretense of truthfulness, without any ability of a kind to be of value to the public, but possessed of an almost superhuman ability to deceive the public and to advertise themselves. Examples of this class may be found in Roman history in such men as Carbo and Cæsar; striking examples in recent American history will readily occur to every one. Notably in municipal politics in the

great American cities, this aspect often appears.

It is not only in great but also in smaller things that we see the ever-recurring resemblances between Roman and American conditions. Cicero's complaint, "Let me tell you that there is no class of people so harassed by every kind of unreasonable difficulty as candidates for office," finds a responsive chord in every modern American politician. His account of his campaign for the consulship at Rome, as well as the historical record of other Roman political contests, shows many points of similarity between the details of the problems and methods of ancient and modern political battles.

Political expenditures, in the latter days of the Roman republic, had become an even greater evil than is the case in the United States to-day. It is interesting, though alarming, to note that the greater political freedom became at Rome, the greater became the amount of political expenditures and the greater the power of money in elections. A similar alarming phenomenon has recently been noticed in this country in the greater increase of political expenditures which have

followed the introduction of the direct primaries, and the consequent greater difficulties of the candidate for office not possessed of a large fortune.

Innumerable other points of resemblance might be mentioned to complete the comparison between Roman and American political conditions. A strong point in the Roman character (at least during the greater part of the republican period) is found in the fact that foreign hostilities always produced a cessation, or at least a laxation, of domestic political hostilities. This was in striking contrast with the general rule in Grecian cities, where one political faction or another would generally seize the opportunity offered by the external difficulties of their state to advance their selfish individual interests at the expense of the public. The public attitude in America has always resembled the Roman rather than the Grecian attitude. Perhaps this attitude in America has sometimes been carried too far, and resulted in too great a degree of credit and support being given to the party in power, for victories won by the united efforts of members of all political parties in the country.

The effect of a mere name, both in Rome and in the United States, has always been unduly great. The charge (even when entirely unsupported) that a Roman politician was aiming to make himself a king was generally sufficient to drive him from power; though the Romans finally calmly submitted to the rule of an absolute ruler under the new title of emperor. The efficiency of denunciation by calling names, instead of by argument, is known and made use of in American politics.

The pretense of patriotism in America assumed by having one's self designated by a name of patriotic appellation—such as "Honest" John Doe, "Brave" Richard Roe, and the "Patriot" John Stiles—is but a parallel to the schemes of the ancient tricksters. Truly, there is nothing new under the sun, and as man so are republics of men—both alike in greatness and in littleness.

There is slight opportunity for comparison between the Roman colonial system and that of our own country. It is true that of both alike it may be said the beginning of foreign conquest came as an accident, and the acquisition of territory beyond the seas found

them unprepared for its government. Here, it is to be hoped, the resemblance will be found to have ceased. When Rome had once tasted the fruits of foreign conquest, the extension of such conquests became the great object of Roman ambition. It was not by accident but by deliberately planned wars of conquest that the so-called world empire of the Romans was acquired.

With the United States the comparatively few and unimportant insular possessions are still a matter of secondary concern. But few of the citizens of this country give any thought or attention to these possessions, and many even favor their abandonment.

Both Rome and the United States found the problem of reconciling foreign colonies with republican institutions a difficult one. The Roman administration of her colonies was always tinged with corruption and injustice; and, unfortunately, our own insular rule has not been entirely free from these evils. A great trouble in the case of each republic was that she failed or refused to make any real effort to introduce her own principles of government into the government of her provinces. There is much more excuse for

this failure in the case of Rome than in that of our own country. As was shown in the chapter on Roman legislative assemblies, her ignorance of the principle of representative legislative assemblies made the extension of free government over extended areas impossible, or at least very difficult. But our own system of local self-government is one adapted to any country, and capable of indefinite expansion. The highly centered bureaucracy of the Philippine government is one without precedent in our own country, and without any fitness for the Philippines or any other colony. The slight self-government given to the Filipinos is merely enough to call attention to that which is refused them. No successful government of these Islands, either by our country or by the Filipinos themselves, will ever be secured while all questions of government for so many diverse races are settled by a few high government officials at the capital—Manila. Particularly will this objectionable condition continue so long as the places of authority are filled by men named from every portion of the country except that part most nearly associated with the destiny of the Islands.

The system of rewarding political service—and that ofttimes of a questionable character—given in America to men who served ballot-box emergencies, and to men who hope to reward themselves by fruitful opportunity, must cease, or government in these outlying possessions will lead to internal revolt or external military imperialism.

It is plainly to be seen that conditions in the United States of America have tended toward those of Rome which preceded the latter's downfall. Particularly true is this of latter-day conditions in the United States. The monopoly of Crassus in town lots in Rome—and the exclusive right to dictate the price of farm products by the Fabii and their successors, which produced riots in the country and uprisings in the cities—have their parallel in the "corners" of the stock exchanges and grain houses of America, and in the monopoly in oil and its elements. These methods and the domination of legislative bodies by these massive interests, the corrupting of the assemblies of the people and the defiling of the courts, have created a revolt in the hearts of the Americans and awakened an insurrection among the citizen-

ship. These, if not abated by the government's action in controlling these agencies or restraining with plenary punishment the perpetrators of the wrong, will surely reproduce a parallel in the results which befell the Roman republic. Cicero has well said, "Governments, like all organized creations, have their time to perish and to fade. The same conduct of persecution or protection work on each alike in the final results"—a sure continuance of life, or a sure result of certain death.

Let it be remembered that man is ever himself and mankind ever human. No ill will be borne that can be overthrown. It will all return to the first principle of force—Byron puts it well—as the moral of all human tales:

> "First freedom, then glory;
> With that past—avarice—corruption—
> Barbarism at last—
> And all of history's volumes vast
> Hath writ but one page."

It has been the dream of those who in war fought for, and in peace strove for, a just republic in the United States, that the awakened conscience of a people educated

anew under a Christian era would be a guarantee against the repetition of those evils which harassed government and injured men in the days of the Roman republic. It is now seen that this dream is being to a most encouraging extent gratified. In America wrong is at last condemned because it is not right. Right is approved—for that it is right. Justice is praised and sustained because it is just to do so, and the oppression of man resisted and despised because it is unworthy civilized man and in violation of the dictates of conscience speaking the voice of God.

In this new era America is working out her destiny of equality of man and equity of mankind, and this by the methods of peaceful persuasion—dictated from the heart. War is abhorred and brotherhood of man cherished as a coming state of modern citizenship proving in all its effect the justice and right of the theory of the American republic founded on the assertion that "Just governments derive their power from the consent of the governed." Education, bringing enlightenment in all avenues of life's pursuits, is rapidly giving to the American man the

assurance and security that his government will be perpetuated by its citizens, not destroyed—will be glorified as an ideal after which other nations and people may pattern.

"Our Fathers' God! from out whose hand
The centuries fall like grains of sand,

. . . . . .

Oh, make Thou us, through centuries long,
In peace secure, in justice strong:
Around our gift of freedom draw
The safeguards of Thy righteous law;
And, cast in some diviner mold,
Let the new cycle shame the old."

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